

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21

Concord N.H.

Tuesday, June 29, 1999

No. 75

HOUSE JOURNAL No. 23 (cont.)

Wednesday, June 23, 1999

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 24

Tuesday, June 29, 1999

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Carolyn H. Keilig, Pastor of the Community Church of Harrisville and Chesham.

Eternal and unchanging God, be with us as we work this day. Challenge us to hear with new ears, what sometimes seems to be the same old discussion. Help us to not let the heat of the day dictate how responses are made to complicated issues. Call on us to make any debate as substantial and fast-moving as a greatly needed summer thunderstorm. Strengthen and renew us, should we become weary, and guide us in the decisions that will be made this day. Amen.

Rep. Estabrook led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, Doucette, Golden, McColgan, Sabella, Schanda and Searles, the day, illness.

Reps. Chase, David Flanders, Fuller Clark, Glines, Hamel, Harmon, Heon, Hoadley, Lefebvre, Martin, MacNeil, McRae, O'Connell, Owen, Picconi, Phinney, Rodrigue, Sullivan, Torressen, Tufts and Wiggins, the day, important business.

Rep. Durham, the day, death in the family.

Rep. Emerton, the day, illness in the family.

INTRODUCTION OF GUESTS

Theresa Blaisdell, wife of Rep. Blaisdell. Richard Maynard, guest of Rep. Garrish. Andrea Crosby, daughter of Rep. Crosby. The Korkin family, guests of Rep. Nordgren.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 213, relative to voting by prisoners. (Amendment printed SJ 25, 6/24/99)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 216, relative to release conditions pending trial for defendants in domestic violence, stalking, or protective order violation cases. (Amendment printed SJ 25, 6/24/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 272-FN, relative to the use of laser pointing devices. (Amendments printed SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 367, relative to requesting certifying scientists to appear at DWI hearings. (Amendment printed SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 399, allowing the secretary of state to have flexibility in moving the date of New Hampshire's presidential primary and changing the filing period for declarations of candidacy for candidates for president and vice-president at the presidential primary. (Amendment printed SJ 25, 6/24/99)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 492-FN-A-L, reducing the state bond guarantee limit for wastewater projects. (Amendment SJ 21, 5/27/99)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 687-FN, establishing the criminal offense of identity fraud. (Amendment SJ 25, 6/24/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

HB 739, eliminating certain restrictions on the number of days bingo volunteers may serve. (Amendment SJ 23, 6/17/99)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

SENATE MESSAGES (cONT'D.)

HB 411, requiring voters to present identification. (Amendment SJ 25, 6/24/99)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Mary Lou Nowe, Arndt and Rodrigue.

HB 596, making technical corrections to certain laws administered by the department of revenue administration and extending the temporary tax rate of the communications services tax through the biennium ending June 30, 2001. (Amendment printed SJ 24, 6/22/99)

Rep. Kurk moved that the House concur and spoke in favor.

Adopted.

CONCURRENCES

HB 94, relative to enforcement of the child passenger restraint law.

HB 231, relative to approval of applications in the charter schools pilot program.

HB 270, relative to persons not competent to stand trial.

HB 324, repealing certain grounds for granting a divorce for cause.

HB 381, prohibiting any candidate from receiving the nomination of more than one party.

HB 486, relative to the physician effectiveness program.

HB 545-FN, establishing a committee to study ambulatory surgical facilities.

HB 650-FN-A, establishing a committee to study the structure of alcohol and drug abuse prevention services.

HB 665, relative to the New Hampshire emergency management compact with other jurisdictions.

HB 720-FN, relative to the practice of midwifery.

HB 722-FN, revising the law relative to protection of persons from domestic violence.

HCR 9, encouraging greater health care choices for Medicare eligible citizens throughout New Hampshire.

CONCURRENCE WITH AMENDMENTS

SB 67, limiting liability resulting from the use of automatic external defibrillation.

SB 163, establishing a commission to study methods for reducing violent incidents involving children and guns.

SB 164, relative to persons exempted from the registration of ophthalmic dispensers

SB 168, adopting a model statute included in the tobacco litigation master settlement agreement.

SB 172, relative to representation by a citizen in a court proceeding.

SB 189, relative to the establishment of a civil rights act.

SB 217-FN, relative to real estate brokers of other jurisdictions doing business in this state.

SB 220-FN, relative to the disclosure of child abuse and neglect information.

nonconcurrences

HB 64, relative to changes of registration for undeclared voters.

HB 581-L, relative to deposits on utility meters.

HB 657-FN, relative to the health services planning and review board and the certificate of need process.

HB 715-FN-A-L, granting responsibility for court security to the county sheriff and abolishing certain court security officer positions.

HB 732, relative to nonpayment of member dues and fees and access to financial records of condominium associations.

rereferred

HB 113, affirming sovereign immunity as it relates to the *Claremont* ruling.

HB 228, clarifying permissible political expenditures

HB 311-FN-A, relative to grants made under the New Hampshire incentive program.

HB 366, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

HB 470, relative to settlement of personal actions.

HB 723-FN, relative to standby and emergency guardianship proxies.

ACCEDES TO A REQUEST FOR COMMITTEE OF CONFERENCE

HB 69, relative to the definition of employee under certain labor laws and relative to overtime pay for hourly employees.

The President appointed Sens. Wheeler, John King and Fraser.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled HJR 7 and 8, House Bills 56, 66, 245, 313, 379, 399, 414, and 745, and Senate Bills 112 and 150.

COMMITTEE REPORTS

CONSENT CALENDAR – PARTS I AND II

Rep. Chandler moved that the Consent Calendar – Parts I and II with the relevant amendments as printed in the day's House Records be adopted.

SB 158, relative to indecent exposure, removed by Rep. John Pratt.

Consent Calendar adopted.

SB 105, relative to continuation of coverage of health insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen N. Taylor for Commerce: This bill clarifies the provisions relating to continuation of coverage of health insurance for employees in group plans. It provides for temporary continuation of insurance coverage for members of group plans and their dependents who have become ineligible for continued coverage due to various circumstances beyond their control. Vote 17-0.

Amendment (1381h)

Amend RSA 415:18, VII(g)(1)(F) as inserted by section 1 of the bill by replacing it with the following:

~~[(E)]~~ **(F)** The individual, surviving spouse, divorced spouse, legally separated spouse, or dependent shall elect to continue the participation in the group plan according to rules adopted by the commissioner under RSA 541-A. The individual, surviving spouse, or dependent shall be responsible for payment of premiums which may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension period. ~~[With respect to a divorced spouse or legally separated spouse, the extension shall be provided without additional premium or examination therefor, as if the decree had not been entered; however, the premium may include an administrative fee not to exceed 2 percent of the monthly premium to the employer or policyholder throughout the extension periods.]~~ Any divorced spouse or legally separated spouse who is responsible for making a portion of or full payment to the employer shall notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. Any employee who is responsible for making a portion of or full payment to the employer shall likewise notify the employer and the insurance company, in writing within 30 days of the decree of divorce or separation, that coverage under this subparagraph is requested. The employer shall have the right to terminate coverage for a former dependent spouse who is receiving coverage under this subparagraph if any payment for the coverage is not received from the former dependent spouse within 30 days of the date the premium payments are due. If any payment for the coverage for which the employee is responsible is not received from the employee within 30 days of the date the premium payments are due, the employer shall have the right to terminate coverage for a former dependent spouse; however, no such termination shall occur without 30 days' prior notice to the former dependent spouse, during which time the former dependent spouse shall be given an opportunity to make the payments due or to secure payment from the employee. Upon termination of the extension period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, divorced spouse, legally separated spouse, or dependent, if the employer fails to make payments to the insurer or health service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or health service corporation or health maintenance organization would have been liable if coverage had not been terminated.

AMENDED ANALYSIS

This bill clarifies the provisions relating to continuation of coverage of health insurance for employees in group plans.

SB 29-L, relative to the proper sheltering of dogs. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: The concerns raised by dog owners, kennel owners and the SPCA could not be resolved in subcommittee. However, the merits of the bill have value in the protection of dogs and these differences can best be worked in a study. Vote 12-1.

SB 88-FN, relative to penalties for third driving while intoxicated offenses. RE-REFER TO COMMITTEE

Rep. Everett A. Weare for Criminal Justice and Public Safety: The hearing on the issue of driving under the influence of alcohol raised many questions in regards to the present laws and programs that govern this very serious problem. After discussion with the sponsor it was determined that the committee should hold on to this bill and wait until the outcome on HB 84 is complete. Therefore, the request for re-refer is recommended. Vote 13-0.

SB 125, placing restrictions on name changes for certain felons. INEXPEDIENT TO LEGISLATE

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill is very similar to HB 215. Since we passed HB 215 and agreed to the senate amendment, SB 125 is no long necessary. Vote 13-0.

SB 143-FN, relative to penalties for incest. RE-REFER TO COMMITTEE

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill deals with the penalties and the elimination of the statute of limitations in cases of incest. This is an important bill and the committee feels we need time to study it and come out with an equitable piece of legislation. Vote 12-1.

SB 228-FN, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. RE-REFER TO COMMITTEE

Rep. Michael O'Neil for Executive Departments and Administration: This bill would provide spousal benefits equal to 50% upon the death of retired group II members who opted not to take the benefit and retired before April 1, 1987. The committee feels it needs additional time to gather information on the cost and ramifications of changing this benefit for all group II members. Vote 13-0.

CACR 10, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 17-1.

HB 455-FN-L, designating all tobacco-related funds to be used exclusively to supplement state aid to public education. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Finance: The committee appreciates the willingness of the sponsors of this bill and many others to bring forward myriad ideas concerning education funding. We have all learned a lot in the more than five months since this bill was filed, and will continue to learn more. However, education funding is not our only responsibility and, while in the immediate future we will

be spending our tobacco settlement money on education, the committee was not willing to commit to this as a long-term policy. Vote 16-0.

HB 735-FN-A, establishing a contributory judicial retirement plan. RE-REFER TO COMMITTEE

Rep. Franklin G. Torr for Finance: This bill establishes a contributory judicial defined contribution retirement plan administered by the administrative office of the courts. Although carefully crafted and reviewed, this bill is very complex. The sponsor recommended the bill be re-referred. Also there needs to be a determination from the IRS that there would be no loss of tax exemption for retirees remaining in the present retirement system if a new retirement system were created. Vote 16-0.

SB 176-FN-A, relative to technology support for individuals and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Marjorie K. Smith for Finance: The bill would make a \$500,000 appropriation from the general fund to the Department of Health and Human Services to provide technology support, assistive devices, information, and training programs to individuals with disabilities. The committee expressed great interest in the programs that would be part of this effort but, with the end of this session looming, there was not sufficient time to explore alternative funding possibilities. Vote 18-0

SB 76-L, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: While believing that the North Country of our state needs economic assistance, the committee feels that this bill requires clarification of the types of uses to which tax exemptions could apply and the municipalities that would be eligible to grant such exemptions. Vote 13-0.

SB 86, relative to enforcement of the collection and payment of county taxes by the county treasurer. RE-REFER TO COMMITTEE

Rep. Linda T. Foster for Municipal and County Government: This bill would allow county treasurers to collect county taxes in the same way that state or local tax collectors now accomplish this task. Although this policy may accommodate the needs of the unincorporated places, the committee wishes more time to ascertain its effect on our incorporated cities and towns, which traditionally have paid the county taxes assessed on their property owners even when the property owner did not pay the county taxes to the town. Vote 13-0.

SB 89-L, relative to library trustees. RE-REFER TO COMMITTEE

Rep. Anthony F. Simon for Municipal and County Government: This bill would establish procedures for the appointment of alternate library trustees, schedules for payment of appropriations to libraries and the status (lapsing or non-lapsing) of library funds. The committee feels that this bill needs further refinement to establish the proper relationship between municipalities and library trustees. Vote 13-0.

SB 188-L, allowing school districts operating under the official ballot form of meeting to have more than one special meeting per year through court petition on an appropriation question or issue. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: In SB 2 towns there is already a mechanism to hold a special meeting for school districts as stated in RSA 197:3: "Raising Money at Special Meeting." If the issue concerns an annual school district's amendment or rejection of the cost items or fact finder's reports concerning a collective bargaining agreement, then the special meeting can be called without court approval. This mechanism was enacted in 1997 and needs a chance to work in its current form. As long as the same issue or question is not addressed and there is an emergency, a school district may petition the court for additional special meetings. With the passage of HB 117 and the increased funding to the majority of school districts in this state resulting from that law, the committee did not feel that changing the rules regarding special school district meetings was judicious at this time. In addition, Section 2 of this bill would apply to all school meetings held in 1999. But HB 111 (Chapter 2 of the Laws of 1999) provides the opportunity to all school districts and municipalities to have one special meeting without court approval this year to address any Claremont-related issues. Therefore, the committee feels that this bill is not necessary and unanimously voted "inexpedient to legislate." Vote 13-0.

REGULAR CALENDAR – part i

SB 199, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Keith R. Herman for the majority of Commerce: This is the Governor's "HMO Accountability Act." The bill, as sent over from the Senate, contained four separate parts, each designed to provide consumers with information and tools necessary to ensure they receive adequate, timely health care services from HMO insurance companies.

These four sections are: 1.) Requiring all medical directors employed by an HMO to hold a valid New Hampshire physician's license. 2.) Providing for an independent external grievance procedure for cases where an HMO has denied payment for a covered benefit. 3.) Prohibiting any contract between an insurance carrier and a physician from containing a financial inducement to deny necessary care. 4.) Defining a decision not to pay for a specific health service or drug as "The Practice of Medicine."

The Commerce Committee believes strongly that consumers are entitled to receive any care necessary to maintain and improve their health conditions. The consumer should also receive those services without having to worry if their insurance company will pay for them as long as the service is a covered benefit. (No one is entitled to services without paying for those services.) To acknowledge these and other concerns the Commerce Committee has passed an amendment to SB 199, which includes aspects of all four sections of the original bill.

The committee worked in a bipartisan fashion to improve the language and simplify the processes of the original bill. The amendment requires an HMO to have a medical director who is licensed to practice medicine in New Hampshire. The amendment creates an independent external review process with oversight by the New Hampshire Insurance Commissioner. The amendment prohibits financial inducements in contracts between doctors and insurance companies. The amendment requires notification and disclosure to consumers of all their rights and obligations under this chapter. The amendment subjects any medical director who is overturned by an independent review organization to scrutiny by the Insurance Commissioner and two national accreditation boards which establish standards for utilization review decisions. The amendment creates a statutory study committee to develop guidelines for the board of medicine to use when determining whether a medical director exhibits a pattern of practice to be investigated by the board. The amendment adds a "hold harmless" clause so patients aren't responsible for the cost of care while going through the

grievance process. The amendment reorganizes the bill to make RSA references easier to find and follow.

The Governor testified during the public hearing the costs (increases in health insurance premiums) of this bill would not exceed \$2 per month per covered person. This would translate into a **\$720,000 increase in cost to the state employees' health benefit**. (There are approximately 30,000 state-covered lives when you consider spouses and dependents.) The committee amendment would still cause premiums to rise, but by less than half of the Governor's estimated cost.

The **only** major portion of the original bill not included in the amendment is the expansion of the definition of "Practice of Medicine." RSA 329:1 currently defines the practice of medicine as a diagnosis, treatment, performance of surgery, or prescription of any treatment for any disease or human ailment. The committee simply does not agree that a "determination which denies authorization or payment for a covered service" can be interpreted as fitting the intent of the current definition of practice of medicine. The committee agrees that a medical director should be responsible for decisions, which result in **harm** to the patient, just as all other licensed physicians are currently. The original bill however, would have a medical director responsible for simply enforcing an insurance company policy which recommends one treatment over another regardless of the impact on the patient. There is no requirement harm is done, simply refusing to pay would be sufficient to trigger the responsibility and liability provisions in the original bill. **This is inconsistent with the public health intent of the current definition in RSA 329:1.**

The committee feels the amendment more accurately reflects the public policy statement that consumers should have access to care, which is paid for, without having to be concerned about insurance company reimbursement. The amendment accomplishes this by creating a process by which a medical director can be subjected to discipline (like all other physicians) for exhibiting a pattern of practice, which denies medically necessary care to patients.

The minority simply refuses to accept this process and is only willing to accept the definition change included in the original bill. The minority is willing to disregard the hard work put into creating an improved bill with bipartisan agreement on the changes the amendment makes. The committee knows the amendment effectively takes care of all the public policy concerns addressed by the Governor's original bill. Having a medical director be licensed in New Hampshire and having that medical director's adverse determinations subject to review and scrutiny are enough to ensure consumer protection and will not unreasonably increase the costs of insurance. Only five states require licensure by statute. NO OTHER STATE defines an adverse determination as the practice of medicine. This is not about being able to sue your HMO. New Hampshire repealed its corporate practice of medicine doctrine in 1995. Under current New Hampshire law, an HMO can be sued.

The House previously passed HB 640-FN, which dealt with an external grievance procedure. The committee was willing to disregard this established House position in order to make improvements which all could agree on. Those improvements will not be reflected if the committee amendment is not accepted. Vote 9-8.

Rep. Martha Fuller Clark for the Minority of Commerce: The 9-8 vote for SB 199, the HMO Accountability Act, is the result of a fundamental difference within the Commerce Committee. The amended version omits part 2 from the original bill as passed in the Senate on a 20-4 vote. This section expands the definition of the practice of medicine to include medical directors. This statutory language clarifies that when medical directors are denying covered care on the basis of medical necessity, they are practicing medicine. The principal reason an HMO hires a physician as a medical director to make determinations of coverage is because they are using their medical expertise in rendering such decisions. Therefore, they should be held to the same standard of accountability and

review as any other doctor. Without the language in part 2 of the original bill, this can not happen. Additionally, the original bill retains a grievance process which is more favorable to the consumer, despite the fact that certain improvements to the process of external grievance are contained in the amendment. The minority believes that these improvements are not of such importance that the underlying need for medical director accountability should be sacrificed in the process. Consumers need the grievance process to hold HMO's accountable and the New Hampshire Board of Medicine needs the statutory language to hold medical directors accountable. This bill should be passed in its entirety as it came to the House from the Senate if the Legislature is to enact significant HMO reform.

Amendment (1803h)

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

1 New Section; Medical Directors Required. Amend RSA 420-E by inserting after section 2 the following new section:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329.

2 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Medical director" means a physician licensed under RSA 329 and employed by a health carrier or medical utilization review entity who is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

3 New Paragraph; Medical Director Required. Amend RSA 420-J:6 by inserting after paragraph IV the following new paragraph:

V. Each health carrier that conducts utilization review shall employ a medical director who shall have responsibility for all utilization review techniques and methods and their administration and implementation. Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as expanding the professional or personal liability of a medical director.

4 Information Provided to Covered Persons. Amend RSA 420-J:5, II(a) – (d) to read as follows:

(a) A description of the *internal* grievance procedure ***required under RSA 420-J:5*** for adverse determinations and other matters ~~[which]~~ ***and a description of the process for obtaining external review under RSA 420-J:5-a – RSA 420-J:5-d. These descriptions*** shall be set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process. ***This statement shall also include a written explanation of any adverse determination, with the name and credentials of the health carrier medical director, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. If the person making the adverse determination is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts.*** (d) Staff assistance in filing an internal grievance.

5 Second Level Grievance; Names Required. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VIII]~~ ***420-J:5-a – RSA 420-J:5-d. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available..*** 6 Review Panel; Names Required. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA ~~[420-J:5, VIII]~~ ***420-J:5-a – RSA 420-J:5-d. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.***

7 Expedited Internal Grievance Review. Amend RSA 420-J:5, VI(e) to read as follows:

(e) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law. A health carrier shall review it as a second level grievance. In conducting the review, the health carrier shall ~~[adhere to time frames that are reasonable under the circumstances]~~ ***make a decision and notify the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the grievance***

is submitted. 8 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Authorized representative" means a person to whom a covered person has given consent to represent the covered person in an external review. Authorized representative may include the covered person's treating provider.

9 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Independent review organization" means an entity that employs or contracts with clinical peers to conduct independent external reviews of health carrier determinations.

10 New Sections; External Review. Amend RSA 420-J by inserting after section 5 the following new sections:

420-J:5-a Right to External Review.

I. A covered person shall have the right to independent external review of a health carrier determination when all of the following conditions apply:

(a) The subject of the request for external review is an adverse determination;

(b) The covered person has completed the internal review procedures provided by the health carrier pursuant to RSA 420-J:5, III through VI, or the health carrier has agreed to submit the determination to independent external review prior to completion of internal review, or the covered person has requested first or second level, standard or expedited review and has not received a decision from the health carrier within the required time frames;

(c) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 6 months of the date of the health carrier's second level denial decision provided pursuant to RSA 420-J:5, V or VI, or if the health carrier has failed to make a first or second level, standard or expedited review decision that is past due, within 6 months of the date the decision was due;

(d) The covered person's cost for the amount in controversy is, or is anticipated to be, equal to or in excess of a total of \$500;

(e) The health carrier determination does not relate to any category of health care services that is excluded from the external review provisions of this section pursuant to paragraph II; and

(f) The request for external review is not based on a claim or allegation of provider malpractice, professional negligence, or other professional fault excluded from the external review provisions of this section pursuant to RSA 420-J:5-c, I.

II. Determinations relating to the following health care services shall not be reviewed under this section, but shall be reviewed pursuant to the review processes provided by applicable federal or state law:

(a) Health care services provided through medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(b) Health care services provided to inmates by the department of corrections.

(c) Health care services provided pursuant to a health plan not regulated by the state, such as self-funded plans administered by an administrative services organization or third-party administrator or federal employee benefit programs.

420-J:5-b Preliminary Review By the Commissioner. In the event that a covered person is entitled to external review and meets all of the requirements in RSA 420-J:5-a, the insurance department shall arrange for independent external review of certain health carrier determinations as follows:

I. Within 7 business days after the date of receipt of a request for external review, the commissioner shall determine whether the individual meets the criteria for external review by assessing whether:

(a) The individual is or was a covered person under the health benefit plan;

(b) The determination that is the subject of the request for external review meets the conditions of eligibility for external review stated in RSA 420-J:5-a, I; and

(c) The covered person has provided all the information and forms required by the commissioner that are necessary to process a request for an external review.

II. Upon completion of the preliminary review pursuant to paragraph I, the commissioner shall immediately notify the covered person or the covered person's authorized representative in writing:

(a) Whether the request is complete; and

(b) Whether the request has been accepted for external review.

III. If the request is not complete, the commissioner shall inform the covered person or the covered person's authorized representative what information or documents are needed to make the request complete. The covered person or the covered person's authorized representative shall submit such information or documentation within 3 business days of being notified that the request was incomplete.

IV. If the request for external review is accepted, the commissioner shall:

(a) Include in the notice provided to the covered person pursuant to paragraph II a statement that if the covered person wishes to submit new or additional information or to present oral testimony via teleconference, such information shall be submitted, and the oral testimony shall be scheduled and presented, within 20 days of the date of issuance of the notice. However, the notice shall also explain that oral testimony shall be permitted only in cases when the covered person provides evidence that it would not be feasible or appropriate to present only written testimony due to a physical or mental disability and the absence of an authorized representative.

(b) Immediately notify the health carrier in writing of the request for external review and its acceptance.

V. If the request for external review is not accepted, the commissioner shall inform the covered person or the covered person's authorized representative and the health carrier in writing of the reason for its non-acceptance.

420-J:5-c Standard External Review; Expedited External Review. Standard external review shall be conducted as follows:

I. The external review procedures set forth in this section shall not be utilized to adjudicate claims or allegations of health care provider malpractice, professional negligence, or other professional fault against participating providers or medical directors.

II. At the time a request for external review is accepted, the health carrier shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the external review. Such independent review organization shall be selected from a list of at least 3 independent review organizations with which the carrier maintains a contract. The carrier shall not select the same independent review organization for each external review, but shall rotate among the organizations with which contracts are maintained, using all contracted organizations equally. The commissioner may allow the use of an independent review organization regardless of the rotation if the commissioner determines that the use such independent review organization is necessary for the fair adjudication of the case in question.

III. Within 10 days after the date of issuance of the notice provided pursuant to RSA 420-J:5-b, IV, the health carrier or its designated utilization review organization shall provide to the selected independent review organization and to the covered person all information in its possession that is relevant to the adjudication of the matter in dispute, including but not limited to:

(a) The terms of agreement of the health benefit plan, including the evidence of coverage, benefit summary or other similar document;

(b) All relevant medical records, including records submitted to the carrier by the covered person, the covered person's authorized representative, or the covered person's treating provider;

(c) A summary description of the applicable issues, including a statement of the health carrier's final determination;

(d) The clinical review criteria used and the clinical reasons for the determination;

(e) The relevant portions of the carrier's utilization management plan;

(f) Any communications between the covered person and the health carrier regarding the internal or external review; and

(g) All other documents, information, or criteria relied upon by the carrier in making its determination.

IV. Failure by the health carrier or the covered person to provide the documents and information required in paragraph III within the specified time frame shall not delay the conduct of the external review.

V. The selected independent review organization shall review all of the information and documents received from the carrier pursuant to paragraph III and any other information submitted by the covered person or the covered person's authorized representative or treating provider pursuant to RSA 420-J:5-b, IV(a) and any testimony provided. In addition to the information provided by the health carrier and the covered person or the covered person's authorized representative or treating provider, the independent review organization may consider any applicable, generally accepted clinical practice guidelines, studies or research, including those developed or conducted by the federal government, national or professional medical societies, boards and associations. The independent review organization shall consider anew all previously determined facts, allow the introduction of new information, and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review.

VI. The selected independent review organization shall render a decision upholding or reversing the determination of the health carrier and notify the covered person or the covered person's authorized representative and the health carrier in writing within 20 days of the date that any new or additional information from the covered person is due pursuant to RSA 420-J:5-b, IV(a). This notice shall include a written review decision that contains a statement of the nature of the grievance, references to evidence or documentation considered in making the decision, findings of fact, and the clinical and legal rationale for the decision, including, as applicable, clinical review criteria and rulings of law.

VII. Expedited external review shall be conducted as follows:

(a) Expedited external review shall be available when the covered person's treating health care provider certifies to the commissioner that adherence to the time frames specified in RSA 420-J:5-b and 420-J:5-c, I, II, III, IV, V and VI would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

(b) Except to the extent that it is inconsistent with the provisions of this paragraph, all requirements for the conduct of standard external review specified in RSA 420-J:5-b and 420-J:5-c, I, II, III, IV, V and VI shall apply to expedited external review.

(c) At the time the commissioner receives a request for an expedited external review, the commissioner shall immediately make a determination whether the request meets the standard set forth in subparagraph VII (a) for expedited external review, as well as the reviewability requirements set forth in RSA 420-J:5-b, I. If these conditions are met, the commissioner shall immediately notify the health carrier. If the request is not complete, the commissioner shall immediately contact the covered person or the covered person's authorized representative and attempt to obtain the information or documents that are needed to make the request complete.

(d) The health carrier shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the expedited external review. If an independent review organization is not selected to conduct the review by the health carrier, the commissioner shall select an independent review organization that has been certified pursuant to RSA 420-J:5-d, I to conduct the review.

(e) The health carrier or its designated utilization review organization shall provide or transmit the documents and information specified in paragraph III to the selected independent review organization by telephone, facsimile or any other available expeditious method within one business day of receiving the commissioner's notice of the request for expedited external review pursuant to subparagraph VII(c).

(f) When handling a review on an expedited basis, the selected independent review organization shall make a decision and notify the carrier and the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the expedited external review is requested.

(g) If the notice provided pursuant to subparagraph VII(f) was not in writing, within 2 business days after the date of providing that notice, the selected independent review organization shall:

(1) Provide written confirmation of the decision to the covered person or the covered person's authorized representative and the health carrier; and

(2) Include the information set forth in paragraph VI

(h) An expedited external review shall not be provided for determinations made by the health carrier on a retrospective basis.

(i) A covered person shall not be held liable to either the health plan, the hospital, the physician, or the services provider for the cost of services in excess of the applicable copayment, coinsurance, or deductible incurred, pending the independent review organization's determination of an expedited external review.

VIII. The health carrier against which a request for external review is filed shall pay the cost of the external review, such costs shall not exceed \$1,500. The commissioner shall notify the independent review organizations of the cost limitation for conducting an external review. The cost for an external review may exceed \$1,500 if the commissioner determines an additional cost is necessary to ensure the fair adjudication of the case in question.

IX. An independent review organization shall maintain all standards of confidentiality. The records and internal materials prepared for specific reviews by an independent review organization under this section shall be exempt from public disclosure under RSA 91-A.

X. An external review organization acting in good faith shall have immunity from any civil or criminal liability or professional discipline as a result of acts or omissions with respect to any external review, unless the acts or omissions constitute willful and wanton misconduct.

XI. The right to external review under this section shall not be construed to change the terms of coverage under a health benefit plan nor shall the health carrier retaliate against the covered person for exercising his or her right to an independent external review.

XII. When requested by the covered person, the commissioner shall provide consumer assistance in pursuing the internal grievance procedures and the external review process under RSA 420-J:5 and this section.

XIII. The commissioner shall report annually to the governor and the legislature on the number of grievances subjected to external review, the number of decisions resolved wholly or partially in favor of the covered person, the number of decisions resolved wholly or partially in favor of the health carrier. Such reports shall not include those cases when the health carrier reversed its decision prior to a final determination by an independent review organization or those cases when the covered person and the health carrier agree to resolve the dispute prior to a final determination by the independent review organization.

XIV. If, in any calendar year, the determination of a health carrier is overturned on 3 separate occasions for the same treatment or service by an independent review organization, the commissioner may require the health plan to provide support for the clinical guidelines in question. If, in the judgment of the commissioner, the clinical guideline in question does not have a sound clinical basis, the commissioner may notify the Utilization review accreditation committee (URAC) or the National Committee for Quality Assurance (NCQA), as appropriate. The commissioner may require the health carrier to contract with URAC or NCQA for an audit of the health carrier's compliance with those accreditation standards related to the development and application of utilization.

420-J:5-d Certification of Independent Review Organizations.

I. The certification of independent review organizations shall be conducted as follows:

(a) The commissioner shall certify independent review organizations eligible to be selected to conduct external reviews under this section to ensure that an independent review organization satisfies the minimum qualifications established under paragraph II.

(b) The commissioner shall develop an application form for initially certifying and recertifying independent review organizations to conduct external reviews.

(c) Independent review organizations wishing to be certified shall submit the application form and include all documentation and information necessary for the commissioner to determine whether the independent review organization satisfies the minimum qualifications established under paragraph II.

(d) The commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet or exceed the minimum qualifications established under paragraph II is sufficient for certification under this paragraph.

(e) The commissioner shall maintain and periodically update a list of certified independent review organizations.

II. To be certified under paragraph I to conduct external reviews, an independent review organization shall meet the following minimum qualifications:

(a) It shall develop and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process.

(b) It shall establish and maintain a quality assurance program that:

(1) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(2) Ensures the selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization with suitable matching of reviewers to specific cases;

(3) Ensures the confidentiality of medical and treatment records; and

(4) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this section.

(c) It shall agree to maintain and provide to the commissioner such information as may be required to fulfill the provisions and purposes of this section.

(d) It shall assign clinical peer reviewers to conduct external reviews who are physicians or other appropriate health care providers and who:

(1) Are experts in the treatment of the covered person's medical condition that is the subject of the external review;

(2) Are knowledgeable about the recommended health care service or treatment through actual clinical experience;

(3) Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review;

(4) Have no history or disciplinary actions or sanctions that have been taken or are pending by any hospital, governmental agency, or regulatory body; and

(5) Have agreed to disclose any potential conflict of interest.

(e) It shall be free of any conflict of interest. To meet this qualification, an independent review organization may not own or control or in any way be owned or controlled by a health carrier, a national, state or local trade association of health carriers, or a national state or local trade association of health care providers. In addition, in order to qualify to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial interest in any of the following:

(1) The health carrier that is the subject of the external review;

(2) Any officer, director or management employee of the health carrier that is the subject of the external review;

(3) The health care provider or the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(4) The facility or institution at which the recommended health care service or treatment would be provided;

(5) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review; or

(6) The covered person or the covered person's authorized representative.

(f) For the purpose of allowing in-state health care providers to act as clinical peer reviewers in the conduct of external reviews, the commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest which is sufficient to preclude that provider from acting as a clinical peer reviewer, so long as the affiliation is disclosed to the covered person or the covered person's authorized representative.

(g) The following organizations shall not be eligible for certification to conduct external reviews:

(1) Professional or trade associations of health care providers;

(2) Subsidiaries or affiliates of such provider associations;

(3) Health carrier or health plan associations; and

(4) Subsidiaries or affiliates of health plan or health carrier associations.

11 New Paragraphs; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph VI the following new paragraphs:

VII. No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements.

VIII. The health carrier shall provide to covered persons, in the evidence of coverage, a description for the types of financial arrangements contained in its contracts with participating providers. Such descriptions shall be set forth in clear, understandable language.

IX. Every contract between a health carrier and a participating provider shall provide that the health carrier may not remove a health care provider from its network or refuse to renew the health care provider with its network for participating in a covered person's internal grievance procedure or external review.

15 Committee Established. There is established a committee to develop guidelines for the investigation of medical directors whose determinations have been reversed by independent review organizations.

16 Membership and Compensation.

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

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

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

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

17 Duties. The committee shall develop a specific guidelines to be used by the board of medicine in determining whether a medical director exhibits a pattern of practice that should be the subject of an investigation of the board. The committee shall solicit input from the board of medicine and the department of insurance when developing these guidelines.

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

19 Report. The committee shall report its findings and recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1999.

20 Repeal. RSA 420-J:5, VIII and IX, relative to external process and annual report, are repealed.

21 Effective Date.

I. Sections 15-19 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill creates an independent external consumer appeal process to review certain determinations made by managed care entities. The bill requires health carriers that conduct utilization review and licensed utilization review entities to employ a medical director. The bill prohibits contracts between health carriers and participating providers from including provisions that create financial incentives to deny medically necessary care. The bill also requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for health care treatment decisions.

Reps. Avery, Nordgren, and Pilliod spoke against.

Reps. Patten, DiFruscia and Francoeur spoke in favor.

Rep. Crosby spoke against and yielded to questions.

Rep. Keith Herman spoke in favor.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

YEAS 176 NAYS 175			
YEAS 176			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Millham, Alida	Rice, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Scanlan, David
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dyer, Merton	Fenton, James	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren

Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston	McDonough-Wallace, Alice
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Feuerstein, Martin
Hager, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Whalley, Michael	Whittemore, James
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Vivian	Cooney, Richard
Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Griffin, Mary
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stritch, C Donald
Sytek, Donna	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Weyler, Kenneth	Zolla, William	
STRAFFORD			
Bickford, David	Cossette, Larry	Musler, George	Spear, Barbara
Woods, Phyllis			
SULLIVAN			

Kibbey, David	Leone, Richard		
NAYS 175			
BELKNAP			
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Wood, Jane
CARROLL			
None			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Hawkinson, Marie	Landers, Dana	Mears, Edgar	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Fields, Dennis	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	Martel, Andre	McCarthy, William
McDonald, James, Sr	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary

Murphy, Robert	Perkins, Paul	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Withee, Dennis			
MERRIMACK			
Bouchard, Candace	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Christie, Andrew, Jr	Corbin, C David
Dolan, Richard	Downing, Michael	Gibbons, Paul	Grant, Kenneth
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Vaughn, Charles	Weatherspoon, Jackie	Whittier, John
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy

Tuthill, John			
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and the majority amendment was adopted.

The question now being the adoption of the majority report.

Rep. Hunt requested a roll call; sufficiently seconded.

YEAS 315 NAYS 35			
YEAS 315			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Millham, Alida	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lerandean, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard

Cobb, John	Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Hall, David	Hinman, Harry
Johnson, Gary	Marshall, Gene	Mirski, Paul	Nordgren, Sharon
Scanlan, David	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Drabinowicz, A	Dyer, Merton
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Gagnon, Eugene	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Johnson, Lionel	Keye, Harvey
Konys, Christine	Kurk, Neal	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, DonnaLee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McCarthy, William	McCarty, Winston	McDonald, James, Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald

White, John	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crosby, Toni	Crowell, Peter	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Reardon, Tara	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Corbin, C David
Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II
Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	Domingo, Baldwin	Estabrook, Iris
Grassie, Anne	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Lundborn, Raymond	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vincent, Francis	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Kibbey, David
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
NAYS 35			
BELKNAP			
Pilliod, James			
CARROLL			
None			
CHESHIRE			
Avery, Stephen	Manning, Joseph	Pratt, John	
COOS			
None			
GRAFTON			
Ham, Bonnie	Solow, Martha		
HILLSBOROUGH			
Clemons, Jane	Dokmo, Cynthia	Dwyer, Paul, Sr	Franks, Suzan
Perkins, Paul	Simon, Anthony		
MERRIMACK			
Daneault, Gabriel	Davis, Francis	Jacobson, Alf	Lockwood, Priscilla
Rodd, Beth	Wallin, Jean		
ROCKINGHAM			
Dolan, Richard	Gibbons, Paul	Grant, Kenneth	Kobel, Rudolph
Langone, John	Stone, Joseph	Vaughn, Charles	

STRAFFORD			
Brown, Julie	DeChane, Marlene	Dunlap, Patricia	Gilmore, Gary
Keans, Sandra	Rogers, Rose Marie	Spang, Judith	
SULLIVAN			
Donovan, Thomas, Jr	Flint, Gordon, Sr	Jones, Constance	

and the majority report was adopted.

Ordered to third reading.

Reps. Kobel, Manning and Rodd voted Nay and intended to vote Yea.

REMOVED FROM THE TABLE

Rep. Burling moved that ***HB 2-FN-A***, relative to state fees, funds, revenues and expenditures, be removed from the table. (Pending question: Ought to Pass with Amendment)

Rep. Buckley requested a roll call; sufficiently seconded.

YEAS 194 NAYS 151			
YEAS 194			
BELKNAP			
Millham, Alida	Pilliod, James	Wendelboe, Francine	Wood, Jane
CARROLL			
Bradley, Jeb	Dickinson, Howard	MacDonald, Kenneth	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie

Johnson, Gary	Nordgren, Sharon	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Chabot, Robert	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Drabinowicz, A	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	LaRose, Richard	Lasky, Bette
Leonard, Peter	Lozeau, DonnaLee	Lynde, Harold	McCarthy, William
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Cooney, Richard
Downing, Michael	Gibbons, Paul	Gleason, John	Henderson, Warren
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane

Kobel, Rudolph	Langone, John	Lovejoy, Marian	Norelli, Terie
Nowe, Ronald	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	Weyler, Kenneth
Whittier, John			
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vincent, Francis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		
NAYS 151			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert			
CARROLL			
Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Smith, Edwin
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton

Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Andrews, Frederick	Batula, Peter	Beaupre, Roland	Belvin, William
Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Fenton, James	Fletcher, Richard	Flora, Kathleen	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	L'Heureux, Robert	Leishman, Peter	Lessard, Rudy
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Marple, Richard	Nichols, Avis	Whalley, Michael
Whittemore, James			
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Corbin, C David
Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Grant, Kenneth

Griffin, Mary	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed, II
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Zolla, William
STRAFFORD			
Bickford, David	Cossette, Larry	Musler, George	Woods, Phyllis
SULLIVAN			
Kibbey, David			

and the motion was adopted.

Rep. Manning did not vote and wished to be recorded in favor.

Rep. Hager offered a floor amendment.

Floor Amendment (1856h)

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

1 Intent. The purpose of this bill is to make those changes to the general laws necessary to effectuate the intent of the operating budget, but which are prohibited from being included in the operating budget by Part II, Article 18-a of the New Hampshire Constitution.

2 Additional Revenues; Department of Health and Human Services. Notwithstanding any provision of the law to the contrary, the legislative fiscal committee and the governor and council may authorize the commissioner of the department of health and human services to accept and expend additional revenues, in excess of or in addition to the budgeted amounts, from any source, which become available to the department. Such additional revenues shall be available to the department of health and human services to supplement funds in the following subcomponents: division of family assistance's food stamp administration, division for children, youth, and families' settlement program, division of family assistance's New Heights maintenance services, division for children, youth, and families' NH Bridges maintenance services, the office of program support, division of child support's New England Child Support Enforcement System maintenance services, and any other such subcomponent that requires deficit reduction or for which revenue has been specifically obtained.

3 Transfer of Funds by Division of Children, Youth, and Families, Department of Health and Human Services. Notwithstanding any other provision of law, the division for children, youth, and families, department of health and human services, may, with approval of the fiscal committee and the governor and council, transfer in each of the fiscal years 2000 and 2001 up to \$200,000 in funds which would otherwise lapse to the salary adjustment fund from class 10, personal services

permanent in components 05, 01, 03, 02, 01 and 05, 01, 03, 03, 01 to class 91 training in component 05, 01, 03, 06, 00, to provide training for social workers and juvenile service officers.

4 Authority to Fill Unfunded Positions; Department of Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services may fill any authorized unfunded positions during the biennium ending June 30, 2001, provided that the total expenditures shall not exceed the amount appropriated for personal services, permanent and personal services, unclassified.

5 Transfer of Authority; Department of Health and Human Services. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services may make transfers among any and all accounts and program appropriation units of the department of health and human services, with the exception of benefit appropriations which shall be limited to transfers between benefit appropriation accounts, as the commissioner shall deem necessary and appropriate to effect a reorganization of the department, address present or projected deficits, or respond to changes in federal laws, regulations, or programs and otherwise as necessary for the efficient management of the department. The commissioner may transfer not more than \$2,277,000 in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 2 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.

6 Department of Administrative Services; State Facility Energy Cost Reduction; Definitions; Energy Cost Saving Measure; Debt Service Extended. Amend RSA 21-I:19-b, I to read as follows:

I. "Energy cost saving measure" means any construction, improvement, repair, alteration, or betterment of any building or facility or any equipment, fixture, or furnishing to be added to or used in any building or facility that will be a cost effective energy-related project. This shall include any project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility and will achieve energy cost savings sufficient to recover any project costs or incurred debt service within [7] 10 years from the date of project implementation.

7 Department of Administrative Services; State Facility Energy Cost Reduction; Energy Performance Contracting; Contract Period Extended. Amend RSA 21-I:19-d, II(d)-(f) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed [7] 10 years.

(e) Any contract entered into shall contain the following annual allocation dependency clause: "The continuation of this contract is contingent upon the appropriation of funds to fulfill the requirements of the contract by the applicable funding authority. If that authority fails to appropriate sufficient funds to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which allocations were made."

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within [7] 10 years at existing energy prices. The contract shall require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments shall be interest-free.

8 Appropriation; Office of Energy and Community Services. The sum of \$5,147 for the fiscal year ending June 30, 1999, is hereby appropriated to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs as observed and disclosed in a financial audit of the office. This appropriation shall be in addition to any other sums appropriated to the governor's office of energy and community services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$20,000,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$20,000,000 shall be transferred according to RSA 9:13-e.

10 Addition to Personnel Group. Amend RSA 94:1-a by inserting in group N:

Warden, Northern New Hampshire Correctional Facility, department of corrections

11 Applicability of Salary Classifications. The warden of the Northern New Hampshire Correctional Facility (formerly the Berlin prison facility) on the effective date of this act shall become the unclassified warden at step 4 in group N.

12 Pease Development Authority Bonds; Comprehensive Development Plan Required; Bond Guarantee Amount Reduced. Amend RSA 12-G:27-b, I to read as follows:

I. Notwithstanding any other provision of law and subject to approval by the fiscal committee of the general court of a comprehensive development plan for the former Pease Air Force Base prepared and submitted by the Pease development authority, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this section. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed ~~[\$60,000,000]~~ **\$35,000,000**, plus interest. The comprehensive development plan shall include the designation and delineation of a research district within the bounds of the former Pease Air Force Base. The governor, with the advice and consent of the council, is authorized to draw [his] a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

13 Repeal. RSA 12-G:27-b, II, relative to state guarantee of bank financing for Pease development plan, is repealed.

14 Rehiring; Laid-Off State Employees. The provisions of 1990, 261:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid-off state employees, shall apply to any person laid-off between July 1, 1999, and June 30, 2001, as a result of any state law, regardless of the funding

source for the person's position. The head of each department or agency shall submit the names and classification of individuals laid-off from July 1, 1999, to June 30, 2001, to the director of the division of personnel within 10 days of the layoff.

15 Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Order of Members Changed; Member Added. RSA 273-A:9, V(a) is repealed and reenacted to read as follows:

(a) The joint committee on employee relations shall include the following members:

- (1) Speaker of the house of representatives.
- (2) President of the senate.
- (3) Majority leader of the senate.
- (4) Majority leader of the house of representatives.
- (5) Minority leader of the senate.
- (6) Minority leader of the house of representatives.
- (7) Senate finance committee chairperson.
- (8) House of representatives finance committee chairperson.
- (9) Senate capital budget committee chairperson.
- (10) House of representatives public works and highways committee chairperson.
- (11) Senate ways and means committee chairperson.
- (12) House of representatives finance committee vice chairperson.
- (13) House of representatives labor, industrial, and rehabilitative services committee chairperson.
- (14) House of representatives labor, industrial, and rehabilitative services committee ranking minority member.
- (15) Senate insurance committee chairperson.
- (16) Senate insurance committee vice chairperson.

16 New Subparagraphs; Labor; Public Employee Labor Relations; Bargaining by State Employees; Joint Committee on Employee Relations; Alternates. Amend RSA 273-A:9, V by inserting after subparagraph (d) the following new subparagraphs:

(e) The president of the senate may appoint one or more alternates to serve on the joint committee on employee relations in the event that a senate member is unable to attend.

(f) The speaker of the house of representatives may appoint one or more alternates to serve on the joint committee on employee relations in the event that a house member is unable to attend.

17 Feasibility Study; Mutual Use of Coast Guard Facilities. The department of safety, division of safety services, the New Hampshire state port authority, and the fish and game department shall jointly prepare a study relative to the feasibility of an agreement for the mutual use of United States Coast Guard facilities. The division, the authority, and the department shall report their joint findings and any recommendations for executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

18 Navigation Project Obligations; Report by Port Authority. The New Hampshire state port authority shall prepare a report relative to justifications for the United States Army Corps of Engineers to release the state from its obligation to dredge the Hampton-Seabrook Harbor under the 1964 agreement relative to the Navigation Project for the Improvement of Hampton Harbor, NH. The authority shall report its findings and any recommendations for proposed executive or legislative action to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

19 Committee to Study the Protection of Waterfront Properties from Erosion.

I. Committee Established. There is established a committee to study the protection of waterfront properties from erosion.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

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

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study the potential establishment of joint state and local projects to protect from erosion selected waterfront properties along the seacoast and various rivers throughout the state. The committee shall examine options for sharing the cost of the design, engineering, and construction of such projects.

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

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

20 Route 93 Borrow-a-Lane Project; Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 2000, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 2001, to the department of transportation for the operation and maintenance of temporary southbound lanes on Route 93 in Concord and Bow which can be utilized on an as needed basis. This appropriation shall be a charge against the highway fund.

21 Interstate Cooperation; Reference Deleted. Amend RSA 421-B:31-a to read as follows:

421-B:31-a Interstate Cooperation. The secretary of state and ~~his~~ **the secretary of state's** staff shall maintain close relations with the securities and corporate administrators of other states and shall actively participate in the activities and affairs of the North American Security Administrators Association and other organizations so far as it will, in the secretary of state's judgment, enhance the purposes of the securities and corporate laws [and shall be exempt from the provisions of RSA 9:25]. The actual and necessary travel and related expenses incurred in attending meetings of said association, their committees, subcommittees, hearings, and other official activities, as well as the general expenses of participation in such associations, shall be a charge on available funds and the appropriation of the office of the secretary of state.

22 Repeal. RSA 9:25 and 9:26, relative to expenses for out-of-state trips by state officials or employees, are repealed.

23 Deputy Director of Motor Vehicles. Amend RSA 21-P by inserting after section 11 the following new section:

21-P:11-a Deputy Director of Motor Vehicles.

I. The commissioner of safety shall nominate a deputy director of motor vehicles for appointment by the governor, with the consent of the council. The deputy director of motor vehicles shall serve a term of 4 years, and may be reappointed. The deputy director of motor vehicles shall be qualified to hold that position by reason of education and experience.

II. The deputy director of motor vehicles shall perform such duties as are assigned by the director of motor vehicles. The deputy director of motor vehicles shall assume the duties of the director of motor vehicles in the event that the director of motor vehicles is unable for any reason to perform such duties.

III. The salary of the deputy director of motor vehicles shall be as specified in RSA 94:1-a.

24 Change of Title of Position. Amend 94:1-a, I, group N by deleting the director of enforcement, department of safety and inserting in place thereof the deputy director, division of motor vehicles, department of safety.

25 Classified Salaries; October 1, 1999. RSA 99:1-a is repealed and reenacted to read as follows: 99:1-a Salaries Established. The salary ranges for all classified state employees commencing October 1, 1999, shall be established as follows:

October 1, 1999

SALARY GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	14,410.50	14,820.00	15,268.50	15,717.00	16,204.50
02	14,820.00	15,268.50	15,717.00	16,204.50	16,711.50
03	15,268.50	15,717.00	16,204.50	16,711.50	17,199.00
04	15,717.00	16,204.50	16,711.50	17,199.00	17,686.50
05	16,204.50	16,711.50	17,199.00	17,686.50	18,213.00
06	16,711.50	17,199.00	17,686.50	18,213.00	18,778.50
07	17,199.00	17,842.50	18,583.50	19,344.00	20,124.00
08	17,842.50	18,583.50	19,344.00	20,124.00	20,904.00
09	18,583.50	19,344.00	20,124.00	20,904.00	21,723.00
10	19,344.00	20,124.00	20,904.00	21,723.00	22,639.50
11	20,124.00	20,904.00	21,723.00	22,639.50	23,536.50
12	20,904.00	21,723.00	22,369.50	23,536.50	24,472.50
13	21,723.00	22,639.50	23,536.50	24,472.50	25,467.00
14	22,639.50	23,536.50	24,472.50	25,467.00	26,520.00
15	23,536.50	24,550.50	25,584.00	26,656.50	27,448.50
16	24,550.50	25,584.00	26,656.50	27,748.50	28,918.50
17	25,584.00	26,656.50	27,748.50	28,918.50	30,205.50
18	26,656.50	27,748.50	28,918.50	30,205.50	31,473.00
19	27,748.50	28,918.50	30,205.50	31,473.00	32,838.00
20	28,918.50	30,205.50	31,473.00	32,838.00	34,222.50
21	30,205.50	31,473.00	32,838.00	34,222.50	35,704.50
22	31,473.00	32,838.00	34,222.50	35,704.50	37,245.00
23	32,838.00	34,300.50	35,860.50	37,479.00	39,195.00
24	34,300.50	35,860.50	37,479.00	39,195.00	40,930.50
25	35,860.50	37,479.00	39,195.00	40,930.50	42,763.50
26	37,479.00	39,195.00	40,930.50	42,763.50	44,713.50
27	39,195.00	40,930.50	42,736.50	44,713.50	46,722.00
28	40,930.50	42,763.50	44,713.50	46,722.00	48,828.00
29	42,763.50	44,713.50	46,722.00	48,828.00	51,012.00

30	44,713.50	46,722.00	48,828.00	51,012.00	53,332.50
31	46,722.00	48,945.00	51,304.50	53,644.50	56,238.00
32	48,945.00	51,304.50	53,644.50	56,238.00	58,929.00
33	51,304.50	53,644.50	56,238.00	58,929.00	61,698.00
34	53,644.50	56,238.00	58,929.00	61,698.00	64,662.00

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

26 Classified Salaries; October 1, 2000. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing October 1, 2000 shall be established as follows:

October 1, 2000

SALARY GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	14,839.50	15,268.50	15,717.00	16,185.00	16,692.00
02	15,268.50	15,717.00	16,185.00	16,692.00	17,218.50
03	15,717.00	16,185.00	16,692.00	17,218.50	17,706.00
04	16,185.00	16,692.00	17,218.50	17,706.00	18,213.00
05	16,692.00	17,218.50	17,706.00	18,213.00	18,759.00
06	17,218.50	17,706.00	18,213.00	18,759.00	19,344.00
07	17,706.00	18,369.00	19,149.00	19,929.00	20,728.50
08	18,369.00	19,149.00	19,929.00	20,728.50	21,528.00
09	19,149.00	19,929.00	20,728.50	21,528.00	22,366.50
10	19,929.00	20,728.50	21,528.00	22,366.50	23,322.00
11	20,728.50	21,528.00	22,366.50	23,322.00	24,238.50
12	21,528.00	22,366.50	23,322.00	24,238.50	25,213.50
13	22,366.50	23,322.00	24,238.50	25,213.50	26,227.50
14	23,322.00	24,238.50	25,213.50	26,227.50	27,319.50
15	24,238.50	25,291.50	26,344.50	27,456.00	28,587.00

16	25,291.50	26,344.50	27,456.00	28,587.00	29,776.50
17	26,344.50	27,456.00	28,587.00	29,776.50	31,102.50
18	27,456.00	28,587.00	29,776.50	31,102.50	32,409.00
19	28,587.00	29,776.50	31,102.50	32,409.00	33,832.50
20	29,776.50	31,102.50	32,409.00	33,832.50	35,256.00
21	31,102.50	32,409.00	33,832.50	35,256.00	36,777.00
22	32,409.00	33,832.50	35,256.00	36,777.00	38,356.50
23	33,832.50	35,334.00	36,933.00	38,610.00	40,365.00
24	35,334.00	36,933.00	38,610.00	40,365.00	42,159.00
25	36,933.00	38,610.00	40,365.00	42,159.00	44,050.50
26	38,610.00	40,365.00	42,159.00	44,050.50	46,059.00
27	40,365.00	42,159.00	44,050.50	46,059.00	48,126.00
28	42,159.00	44,050.50	46,059.00	48,126.00	50,290.50
29	44,050.50	46,059.00	48,126.00	50,290.50	52,533.00
30	46,059.00	48,126.00	50,290.50	52,533.00	54,931.50
31	48,126.00	50,407.50	52,845.00	55,263.00	57,934.50
32	50,407.50	52,845.00	55,263.00	57,934.50	60,703.50
33	52,845.00	55,263.00	57,934.50	60,703.50	63,550.50
34	55,263.00	57,934.50	60,703.50	63,550.50	66,592.50

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause changes in academic work schedules.

27 Salaries Established; Law Enforcement Employees; January 1, 2000. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2000, shall be established as follows:

January 1, 2000

SALARY GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	19,355.70	19,920.42	20,511.66	21,129.68	21,774.22

02	19,920.42	20,511.66	21,129.68	21,774.22	22,467.90
03	20,511.66	21,129.68	21,774.22	22,467.90	23,110.36
04	21,129.68	21,774.22	22,467.90	23,110.36	23,779.34
05	21,774.22	22,467.90	23,110.36	23,779.34	24,470.68
06	22,567.90	23,110.36	23,779.34	24,470.68	25,242.10
07	23,110.36	23,959.52	24,959.74	25,989.08	27,042.86
08	23,959.52	24,959.74	25,989.08	27,042.86	28,096.38
09	24,959.74	25,989.08	27,042.86	28,096.38	29,203.46
10	25,989.08	27,042.86	28,096.38	29,203.46	30,410.64
11	27,042.86	28,096.38	29,203.46	30,410.64	31,646.68
12	28,096.38	29,203.46	30,410.64	31,646.68	32,880.38
13	29,203.46	30,410.64	31,646.68	32,880.38	34,216.52
14	30,410.64	31,646.68	32,880.38	34,216.52	35,630.14
15	31,646.68	32,982.56	34,396.44	35,810.32	37,299.60
16	32,982.56	34,396.44	35,810.32	37,299.60	38,869.22
17	34,396.44	35,810.32	37,299.60	38,869.22	40,591.98
18	35,810.32	37,299.60	38,869.22	40,591.98	42,288.22
19	37,299.60	38,869.22	40,591.98	42,288.22	44,137.60
20	38,869.22	40,591.98	42,288.22	44,137.60	45,991.66
21	40,591.98	42,288.22	44,137.60	45,991.66	47,996.78
22	42,288.22	44,137.60	45,991.66	47,996.78	50,053.12
23	44,137.60	46,093.84	48,176.96	50,362.00	52,673.92
24	46,093.84	48,176.96	50,362.00	52,673.92	55,014.70
25	48,176.96	50,362.00	52,673.92	55,014.70	57,457.92
26	50,362.00	52,673.92	55,014.70	57,457.92	60,078.72
27	52,673.92	55,014.70	57,457.92	60,078.72	62,779.86
28	55,014.70	57,457.92	60,078.72	62,779.86	65,631.80
29	57,457.92	60,078.72	62,779.86	65,631.80	68,564.08
30	60,078.72	62,779.86	65,631.80	68,564.08	71,671.86
31	62,779.86	65,785.20	68,948.62	72,109.70	75,582.00
32	65,785.20	68,948.62	72,109.70	75,582.00	79,207.70

33	68,948.62	72,109.70	75,582.00	79,207.70	82,933.50
34	72,109.70	75,582.00	79,207.70	82,933.50	86,894.86

28 Salaries Established; Law Enforcement Employees; January 1, 2001. RSA 99:1-b is repealed and reenacted to read as follows:

99:1-b Salaries Established; Law Enforcement Employees. The salary ranges for law enforcement employees commencing January 1, 2001, shall be established as follows:

January 1, 2001

SALARY GRADE	MINIMUM	STEP 1	STEP 2	STEP 3	MAXIMUM
01	19,935.76	20,516.08	21,125.26	21,763.30	22,425.52
02	20,516.08	21,125.26	21,763.30	22,425.52	23,141.56
03	21,125.26	21,763.30	22,425.52	23,141.56	23,801.70
04	21,763.30	22,425.52	23,141.56	23,801.70	24,490.70
05	22,425.52	23,141.56	23,801.70	24,490.70	25,204.40
06	23,141.56	23,801.70	24,490.70	25,204.40	25,997.92
07	23,801.70	24,677.64	25,706.72	26,767.26	27,851.98
08	24,677.64	25,706.72	26,767.26	27,851.98	28,939.04
09	25,706.72	26,767.26	27,851.98	28,939.04	30,079.40
10	26,767.26	27,851.98	28,939.04	30,079.40	31,322.20
11	27,851.98	28,939.04	30,079.40	31,322.20	32,595.94
12	28,939.04	30,079.40	31,322.20	32,595.94	33,865.26
13	30,079.40	31,322.20	32,595.94	33,865.26	35,241.18
14	31,322.20	32,595.94	33,865.26	35,241.18	36,697.18
15	32,595.94	33,971.86	35,427.86	36,884.12	38,417.86
16	33,971.86	35,427.86	36,884.12	38,417.86	40,034.02
17	35,427.86	36,884.12	38,417.86	40,034.02	41,808.00
18	36,884.12	38,417.86	40,034.02	41,808.00	43,555.20
19	38,417.86	40,034.02	41,808.00	43,555.20	45,460.48
20	40,034.02	41,808.00	43,555.20	45,460.48	47,369.92
21	41,808.00	43,555.20	45,460.48	47,369.92	49,435.10
22	43,555.20	45,460.48	47,369.92	49,435.10	51,553.58

23	45,460.48	47,476.52	49,621.78	51,871.56	54,252.38
24	47,476.52	49,621.78	51,871.56	54,252.38	56,664.40
25	49,621.78	51,871.56	54,252.38	56,664.40	59,180.68
26	51,871.56	54,252.38	56,664.40	59,180.68	61,879.48
27	54,252.38	56,664.40	59,180.68	61,879.48	64,662.52
28	56,664.40	59,180.68	61,879.48	64,662.52	67,599.22
29	59,180.68	61,879.48	64,662.52	67,599.22	70,620.16
30	61,879.48	64,662.52	67,599.22	70,620.16	73,821.28
31	64,662.52	67,757.04	71,015.88	74,272.64	77,849.46
32	67,757.04	71,015.88	74,272.64	77,849.46	81,581.76
33	71,015.88	74,272.64	77,849.46	81,581.76	85,420.92
34	74,272.64	77,849.46	81,581.76	85,420.92	89,500.32

29 Unclassified Salaries; October 1, 1999. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 1999:

30 Unclassified Salaries; Salary Ranges for Groups; October 1, 1999. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$26,662	\$39,969
Group J	\$31,089	\$44,403
Group K	\$35,513	\$48,855
Group L	\$39,973	\$53,288
Group M	\$44,408	\$57,723
Group N	\$48,858	\$62,171
Group O	\$51,079	\$65,508
Group P	\$57,725	\$74,372
Group Q	\$59,958	\$76,612
Group R	\$62,175	\$78,827
Group S	\$64,394	\$81,046
Group T		\$83,256

Group U		\$113,004
Group V		\$88,810
Group W		\$93,263

31 Unclassified Salaries; October 1, 2000. The introductory paragraph of RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 1, 2000:

32 Unclassified Salaries; Salary Ranges for Groups; October 1, 2000. Amend RSA 94:1-a, I by replacing the salary ranges for each group with the following:

Group I	\$27,461	\$41,168
Group J	\$32,021	\$45,735
Group K	\$36,578	\$50,320
Group L	\$41,172	\$54,886
Group M	\$45,740	\$59,454
Group N	\$50,323	\$64,036
Group O	\$52,611	\$67,473
Group P	\$59,456	\$76,603
Group Q	\$61,756	\$78,910
Group R	\$64,040	\$81,191
Group S	\$66,325	\$83,477
Group T		\$85,753
Group U		\$116,394
Group V		\$91,474
Group W		\$96,060

33 Salary Wages for Councilors and Commissioners; October 1, 1999. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 1999: Minimum	Maximum
Governor's councilors	\$11,098

Pari-mutuel commissioners	\$ 8,415
Sweepstakes commission, chairman	\$12,627
Sweepstakes commission, members	\$ 6,734

34 Salary Wages for Councilors and Commissioners; October 1, 2000. RSA 94:1-a, II is repealed and reenacted to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing

October 1, 2000:	Minimum	Maximum
Governor's councilors	\$11,430	
Pari-mutuel commissioners	\$ 8,667	
Sweepstakes commission, chairman		\$13,005
Sweepstakes commission, members	\$ 6,936	

35 Classified Increases; October 1, 1999. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 1999, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

36 Classified Increases; October 1, 2000. RSA 99:3 is repealed and reenacted to read as follows:

99:3 Increase in Salary. Classified employees of the state as of October 1, 2000, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

37 Judicial Salaries; October 1, 1999. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$106,649
Associate justices, supreme court	\$103,416
Chief justice, superior court	\$103,416

Associate justices, superior court \$ 96,952

District court justices prohibited

from practice pursuant to

RSA 502-A:21 \$ 96,952

Probate judges prohibited from \$ 96,952

practice pursuant to RSA 547:2-a

38 Judicial Salaries; October 1, 2000. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court \$109,848

Associate justices, supreme court \$106,518

Chief justice, superior court \$106,518

Associate justices, superior court \$ 99,861

District court justices prohibited

from practice pursuant to

RSA 502-A:21 \$ 99,861

Probate judges prohibited from

practice pursuant to RSA 547:2-a \$ 99,861

39 Judicial Employees; October 1, 1999. All judicial employees shall receive 3 percent salary increases on October 1, 1999.

40 Judicial Employees; October 1, 2000. All judicial employees shall receive 3 percent salary increases on October 1, 2000.

41 Legislative Employees; October 1, 1999. Legislative employees shall receive 3 percent salary increases effective October 1, 1999, if such increases are approved by the appointing authority.

42 Legislative Employees; October 1, 2000. Legislative employees shall receive 3 percent salary increases effective October 1, 2000, if such increases are approved by the appointing authority.

43 Changes in Salary Groups. Any classified employee whose position was changed from one salary group to a lower paying salary group, during the 1999 legislative session, shall continue to

receive the salary and scheduled raises of the higher paying salary group so long as such employee is employed in such position.

44 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 26-44 of this act for the fiscal years ending June 30, 2000 and June 30, 2001:

FY 2000

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$10,298,116	\$ 5,548,154	\$1,198,189	\$2,225,208	\$235,358	\$128,377	\$ 962,830

FY 2001

All	General	Federal	Highway	Turnpike	Fish & Game	Other
\$24,243,747	\$13,024,483	\$2,761,220	\$5,381,480	\$561,883	\$295,845	\$2,218,836

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

45 Effective Date.

- I. Section 8 of this act shall take effect upon its passage
- II. Sections 15-19, 21, and 22 of this act shall take effect 60 days after its passage.
- III. Sections 25, 27, 29, 30, 33, 35, 37, 39, and 41 shall take effect October 1, 1999.
- IV. Sections 26, 28, 31, 32, 34, 36, 38, 40, and 42 shall take effect October 1, 2000.
- V. The remainder of this act shall take effect July 1, 1999.

AMENDED ANALYSIS

This bill:

- I. Enables additional revenues to be made available for certain health and human services programs.
- II. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.
- III. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.
- IV. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

V. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VI. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

X. Grants laid-off state employees certain rights with regard to rehiring.

XI. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIII. Establishes a committee to study the protection of waterfront properties from erosion.

XIV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XV. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVI. Establishes the position of deputy director of motor vehicles.

XVII. Grants pay raises to state employees, judicial employees, and legislative employees.

Rep. Hager spoke in favor and yielded to questions.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the Hager/Burling floor amendment (1856h).

YEAS 187 NAYS 161

YEAS 187			
BELKNAP			
Millham, Alida	Pilliod, James	Wood, Jane	
CARROLL			
Bradley, Jeb	Dickinson, Howard	Mock, Henry	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandean, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
GRAFTON			
Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lynde, Harold	McCarthy, William	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary

Murphy, Robert	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	White, John		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla
Marshall, Kenneth	Moore, Carol	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Cooney, Richard	Downing, Michael	Gibbons, Paul	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vincent, Francis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr

Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		
NAYS 161			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Fenton, James	Fletcher, Richard	Flora, Kathleen	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Lozeau, DonnaLee	MacGillivray, Jeffrey	Martel, Andre

McCarty, Winston	McGough, Tim	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Maxfield, Roy
Nichols, Avis	Whalley, Michael		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Clark, Vivian	Corbin, C David	Cote, Patricia	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Francoeur, Sheila	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Verani, Giovanni	Weare, Everett
Welch, David	Whittier, John	Zolla, William	
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Woods, Phyllis
SULLIVAN			
Kibbey, David			

and the Hager/Burling floor amendment (1856h) was adopted.

Rep. Sapareto offered a floor amendment (1833h).

Floor Amendment (1833h)

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 56:

46 New Chapter; Statewide Education Property Tax. Amend RSA by inserting after chapter 76 the following new chapter:

CHAPTER 76-A

STATEWIDE EDUCATION PROPERTY TAX

76-A:1 Definitions. In this chapter:

I. "Assessing official" means the assessing authority of any town, city, or place.

II. "Claimant" means a person who:

(a) Has filed a claim with a municipality for reduction in such claimant's property taxes under this chapter; and

(b) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(1) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from the statewide education property tax in this state; and

(2) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Consumer price index" means the most recent available consumer price index for the Boston metropolitan area published by the United States Department of Labor.

V. "Department" means the department of revenue administration.

VI. "Education property taxes" means the sum of the statewide education property tax under this chapter and the education portion of property taxes assessed by a municipality.

VII. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VIII.(a) "Excess education property taxes" means the sum of:

(1) The product of the state education rate determined by the commissioner pursuant to RSA 76-A:2 multiplied by the equalized value of qualifying homesteads not exceeding \$100,000 and exclusive of special assessments not including current use, delinquent interest and charges for service, levied as of April 1 on a claimant's homestead in this state; and

(2) The amount of the education portion of property taxes assessed by the claimant's municipality levied as of April 1 on a claimant's homestead in this state; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excess education property tax claim.

(b) In this paragraph, "equalized assessed value of qualifying homesteads" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$100,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excess education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

IX.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

(1) The land upon which the dwelling stands;

(2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other out buildings;

(3) The land upon which such appurtenant structures stand;

(4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and

(5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.

(b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.

(c) In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

(d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.

(e) Manufactured housing may be a homestead.

X. "Household income" means federal adjusted gross income as defined in the United States Internal Revenue Code.

XI. "Municipality" means a city, town, or place.

XII. "Statewide education property tax" means a tax levied at an equal and uniform rate on the equalized assessed valuation of property.

XIII. "Tax collector" means the appointed or elected collector of taxes for a municipality.

XIV. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended, without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

76-A:2 Statewide Education Property Tax Established.

I. A statewide education property tax is levied annually on all taxable real estate in the state, except property subject to the tax under RSA 82 and RSA 83-F, to compensate each municipality, on an equal per pupil basis by grade, for its costs in the preceding school year to:

(a) Provide a constitutionally adequate education pursuant to part 2, article 83 of the New Hampshire constitution.

(b) Compensate each municipality on an equal per pupil basis for kindergarten where provided in the last completed school year or where provided in the current school year and not in the last completed school year.

(c) Provide additional grants to certain qualifying municipalities whose tax effort per pupil exceeds an equalized rate of \$5.

II. Valuation of the property for the purpose of apportionment and setting the equalized state education rate shall be determined by equalized assessed valuation as prepared annually by the department.

III. The total amount to be raised, each year, shall be the sum calculated pursuant to RSA198:40, 40-a, 40-b, and 41.

IV. The rate shall be established by the commissioner of revenue administration each year based on the equalized state education rate required to raise the total amount in RSA 76-A:2, III. The commissioner shall report to the legislature on or before December 1 of each year.

76-A:3 Apportionment. The commissioner, before December 15 of every year, shall apportion the amount to be raised by each municipality according to its proportion of the equalized assessed valuation of the state from the most recently available equalization survey. The commissioner shall report the amounts assessed against each municipality to the state treasurer and to each municipality.

76-A:4 Time of Assessment and Payment. The statewide education property tax shall be deemed assessed on April 1 in each year and is payable on demand to the education trust fund on or after said date.

76-A:5 Collection. The assessing officials for each municipality shall make a list of all statewide education property taxes by them assessed against property under their hands and seals to the tax collector, directing the tax collector to collect the statewide education property taxes along with other property taxes. It shall be listed as a separate line on the single municipal property tax bill. Upon application by the assessing officials, the commissioner for good cause may extend the time for delivery of the statewide education property tax warrant.

76-A:6 Remedies for Collection. The statewide education property tax may be collected by all of the means and methods provided for the collection of property taxes under RSA 80.

76-A:7 Interest and Charges for Nonpayment. Nonpayment of the statewide education property tax shall incur the same charges and interest accruing to municipalities as are imposed by law for nonpayment of property taxes.

76-A:8 Liability of Cities and Towns. Each municipality shall be liable to the state for all statewide education property taxes lawfully assessed in such municipality.

76-A:9 Payment to State. Each municipality shall cause its tax collector to certify such information as the state treasurer shall require, and shall cause its treasurer to pay over to the state treasurer, less any payments due from the state treasurer or which would be due to the state treasurer attributable to this chapter, 25 percent, of the assessed statewide property taxes on each of the following dates: July 1, October 1, January 1, and April 1.

76-A:10 Failure to Make Payment. If any municipality fails to make payments as provided in this chapter:

I. The state treasurer shall withhold an amount equal to any unremitted statewide education property taxes for which the municipality is liable, from any amounts payable by the state to such municipality. The state treasurer shall not pay to any municipality any amounts that may be due it from the state until all payments of statewide education property tax as due have been paid; and

II. The commissioner shall penalize the municipality for an amount which is twice the amount owed by the municipality under this chapter.

76-A:11 Extents. The state treasurer may also issue an extent for the amounts of all statewide education property taxes not remitted by any municipality as provided in this chapter.

76-A:12 Supplementary Bond of Collector. Whenever the commissioner considers it necessary, a tax collector may be required to furnish a further and additional bond beyond that required by other provisions of law, with sureties, in such form and amount as the commissioner

approves. The additional premium costs shall be paid by the state from the education trust fund established by RSA 198:39.

76-A:13 Disposition of Taxes. All funds received by the state treasurer under the provisions of this chapter shall be deposited in the education trust fund established by RSA 198:39.

Statewide Education Property Tax Relief

76-A:14 Claims for Statewide Education Property Tax Relief.

I.(a) A claimant shall be entitled to make claim to the taxing municipality for statewide education property tax relief equal to the excess education property taxes as levied under this chapter on the first \$100,000 of equalized valuation of the claimants homestead. Such claims shall not exceed \$2,250 per claimant during any calendar year. A claimant shall not be entitled to any statewide education property tax relief if there are no excess education property taxes or for any excess education property taxes which accrued prior to January 1 of the preceding calendar year.

(b) No claim with respect to relief by a claimant under this subdivision shall be allowed unless the claim is filed with the municipality by March 1 following the date of notice of tax as defined in RSA 72:1-d. The municipality shall include all necessary forms for filing as provided by the department in the first bill.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this subdivision.

76-A:15 Rebate to Claimant. Within 30 days of receipt of a claim, the municipality shall reduce the claimant's tax bill by the qualifying excess education property taxes. Where more than one tax bill is issued by the municipality, the excess education property taxes shall be divided proportionally between the bills. Timely payment to the municipality of net taxes by the claimant is not required to receive the tax reduction under this chapter.

76-A:16 Reports of Claims. Municipalities shall report to the department by April 1 of each year on the total amount of rebates made under RSA 76-A:15. By April 15 of each year, the department shall report to the state treasurer the total amount of rebates made by each municipality under RSA 76-A:15.

76-A:17 Reimbursement to Municipalities for Claims. Within 30 days of receipt of the report by the department required under RSA 76-A:16, the state treasurer shall reimburse municipalities for the total of qualified claims received under RSA 76-A:15. Such payments shall be charged against the education trust fund established in RSA 198:39.

76-A:18 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this subdivision.

76-A:19 Claim is Personal. The right to file a claim under this subdivision shall be personal to the claimant. The right to file a claim under this subdivision shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

76-A:20 Administration; Rulemaking.

I. This subdivision shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this subdivision.

76-A:21 Forms for Claim.

I. The commissioner of revenue administration shall make available to municipalities suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

II. Municipalities shall make such forms available to claimants.

76-A:22 Verification of Claim; Redetermination.

I. If a municipality has reason to suspect the accuracy of a claim, the municipality may request that the department verify the household income of the claimant.

II. Upon receipt of such income verification from the department, the municipality may redetermine the claim and assess and collect, in the same manner as provided for property taxes under RSA 80, any amount of such claim in excess of the predetermined amount.

76-A:23 Fraudulent Claims; Penalty. A person shall be guilty of a class A misdemeanor who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

76-A:24 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this subdivision, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a–76:17.

76-A:25 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this subdivision may be applied by the municipality against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

47 Education Trust Fund. Amend RSA 6:12, I(www) to read as follows:

(www) Money received under **RSA 76-A, RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, RSA 198:46**, and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

48 Rate of Utility Property Tax Increased. Amend RSA 83-F:2 to read as follows:

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate ~~[of \$6.60]~~ **established by the commissioner under RSA 76-A:2, IV** on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

49 Utility Property; Exemption. Amend RSA 83-F:9 to read as follows:

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

50 New Paragraph; Definition; Tax Effort Per Pupil. Amend RSA 198:38 by inserting after paragraph XI the following new paragraph:

XII. "Tax effort per pupil" means the equalized education tax rate for a municipality based on equalized assessed valuation that is required to raise \$1,000 per pupil above that provided by the adequate education grant in this subdivision and other non-municipal sources. Pupil counts are based on the average daily membership in residences, as defined in paragraph X.

51 Payments to Cap Tax Effort Per Pupil Added. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts pursuant to RSA 198:42 **and make payments to municipalities to cap their tax effort per pupil under this subdivision**. The state treasurer shall deposit into this fund immediately upon receipt:

52 New Subparagraph; Education Trust Fund. Amend RSA 198:39, I by inserting after subparagraph (k) the following new subparagraph:

(l) The full amount of the statewide property tax under RSA 76-A.

53 New Sections; Supplemental Distributions Per Pupil. Amend RSA 198 by inserting after section 40 the following new sections:

198:40-a Determination of the Maximum Tax Effort Per Pupil. The maximum tax effort per pupil is set at the equalized rate of \$5 using the latest available equalization survey for equalized value.

198:40-b Supplemental Distributions to Cap Tax Effort per Pupil. Any municipality for which there is a dollar amount needed to reduce the municipality's tax effort per pupil to an equalized rate of \$5 for education spending greater than provided by the education trust fund and all other non-municipal sources for the last completed school year for any fiscal year shall be entitled to a quarterly supplemental distribution over the next school year equal to that amount which would have reduced the municipality's tax effort per pupil, in the immediately preceding tax year, as defined in RSA 198:38, XII, to a rate of \$5 based on equalized assessed valuation. Such supplemental distributions shall be distributed in the same manner as adequate education grants under RSA 198:42.

54 New Section; Use of Funds. Amend RSA 198 by inserting after section 43 the following new section:

198:43-a Use of Funds.

I. Municipalities shall apply the entire amount of aid received under RSA198:42 to education. On or before June30 of each year, the individual with fiscal responsibility in each municipality shall submit a statement to the commissioner of education that the adequate education grant received under RSA 198:42 was applied entirely to education. The statement shall include the following: *"I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete."*

55 Repeal. RSA 76:3, relative to the education property tax, is repealed.

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

XIX. Changes the methodology of calculating the rate of the education property tax and the utility property tax and establishes a procedure for education property tax relief claims based on a homestead exemption.

XX. The bill also makes certain changes to the provisions for determining adequate education grants and allows for supplemental distributions to municipalities which are required to raise more than \$5per \$1,000 per pupil from non-state sources.

Rep. Sapareto spoke in favor and yielded to questions.

The Sapareto floor amendment (1833h) failed.

Rep. Kurk offered a floor amendment (1862h).

Floor Amendment (1862h)

Amend the bill by replacing section 5 with the following:

5 Transfer Authority; Department of Health and Human Services. The commissioner of health and human services may transfer not more than \$2,277,000 in general funds each year for the purpose of increasing salaries for direct care providers for persons with developmental and acquired disabilities. Applicable matching federal funds shall be accepted to the extent that they become available in accordance with section 2 of this act. The commissioner shall not execute a transfer without obtaining the approval of the legislative fiscal committee and the governor and council.

Rep. Marjorie Smith spoke against.

On a division vote, 180 members having voted in the affirmative and 164 in the negative, the Kurk floor amendment (1862h) was adopted.

Rep. Kurk offered a floor amendment (1863h).

Floor Amendment (1863h)

Amend the bill by replacing section 9 with the following:

9 Budget Surplus; Transfer to Education Trust Fund. Notwithstanding RSA 9:13-e, any general fund undesignated surplus for the fiscal year ending June 30, 1999 up to \$21,500,000 shall be transferred to the education trust fund established pursuant to RSA 198:39. Any general fund undesignated surplus in excess of \$21,500,000 shall be transferred according to RSA 9:13-e.

AMENDED ANALYSIS

This bill:

I. Enables additional revenues to be made available for certain health and human services programs.

II. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

III. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

IV. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

V. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VI. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VII. Transfers up to \$21,500,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

VIII. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

IX. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

X. Grants laid-off state employees certain rights with regard to rehiring.

XI. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIII. Establishes a committee to study the protection of waterfront properties from erosion.

XIV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XV. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVI. Establishes the position of deputy director of motor vehicles.

XVII. Grants pay raises to state employees, judicial employees, and legislative employees.

The Kurk floor amendment (1863h) was adopted.

Rep. Franks and Sapareto offered floor amendment (1820h).

Floor Amendment (1820h)

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 47:

46 Appropriation; Air Conditioners for House Chambers. The sum of \$10,000 for the fiscal year ending June 30, 2000 is hereby appropriated to the department of administrative services for the purpose of purchasing air conditioning units for installation in the chambers of the house of representatives. This appropriation shall be in addition to any other sums appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

XIX. Makes an appropriation for air conditioners for the house chambers.

Reps. Chandler and Mirski spoke against.

Reps. Franks and Sapareto spoke in favor.

Rep. Loren Jean requested a roll call; sufficiently seconded.

The question being the adoption of the Sapareto/Franks floor amendment (1820h).

YEAS 60 NAYS 281			
YEAS 60			
BELKNAP			
Boriso, Thomas	Rosen, Ralph		
CARROLL			
Dickinson, Howard			
CHESHIRE			
DePecol, Benjamin	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Robertson, Timothy	Zerba, Roger		
COOS			
None			
GRAFTON			
None			
HILLSBOROUGH			
Arthur, Rose	Baroody, Benjamin	Clemons, Jane	Dawe, Eileen
Dwyer, Paul, Sr	Ford, Nancy	Franks, Suzan	Gagnon, Paul
Ginsburg, Ruth	Johnson, Lionel	Keye, Harvey	LaPorte, George
Lessard, Rudy	McCarthy, William	Mendenhall, Leslie	Messier, Irene
Nolan-Piteri, Dawn	Reeves, Sandra	Reidy, Frank	Turgeon, Roland
Vaillancourt, Steve			
MERRIMACK			
Fraser, Marilyn	French, Barbara	Kennedy, Richard	Moore, Carol
Wallin, Jean	Wallner, Mary Jane		
ROCKINGHAM			
Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia	Kelley, Jane
Langley, Jane	O'Keefe, Patricia	Pitts, Jacqueline	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
STRAFFORD			
Bickford, David	Brennan, William	Brown, Julie	Domingo, Baldwin

Gilmore, Gary	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rollo, Michael	Snyder, Clair	Twardus, Joseph	
SULLIVAN			
Donovan, Thomas, Jr			
NAYS 281			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Johnson, James	Lawton, David
Lawton, Robert	Millham, Alida	Pilliod, James	Rice, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Hunt, John	Lerandeau, Alfred	Manning, Joseph	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin		
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Guest, Robert	Hall, David	Ham, Bonnie
Hinman, Harry	Johnson, Gary	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Scanlan, David	Solow, Martha	Ward, Brien
Weber, Phil			

HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Dyer, Merton	Fenton, James	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Holley, Sylvia
Jean, Claudette	Jean, Loren	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McDonald, James, Sr	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mercer, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	White, John	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Nichols, Avis	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard

Virtue, Carolyn	Whalley, Michael	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Vivian
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dolan, Richard	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langone, John
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Mikowlski, Walter
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lundborn, Raymond	Musler, George	Rogers, Rose Marie	Smith, Marjorie
Spang, Judith	Spear, Barbara	Torr, Franklin	Vincent, Francis
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon, Sr
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		

and the Sapareto/Franks floor amendment (1820h) failed.

Rep. Hager offered a floor amendment (Weyler/Belvin 1852h).

Floor Amendment (1852h)

Amend the bill by inserting after section 45 the following and renumbering the original section 46 to read as 47:

4 Department of Health and Human Services; Reports of Productivity Gains from Investments in Information Technology.

I. The commissioner of health and human services shall develop criteria for measuring the productivity gains which the department of health and human services has realized from the state's investments in computers and other information technologies. The commissioner shall submit such criteria to the fiscal committee for approval.

II. Following approval of the criteria by the fiscal committee, the commissioner of health and human services shall submit a quarterly report on the department's productivity gains realized from the state's investments in computer and information technologies, based on such criteria, to the fiscal committee for its approval. The first quarterly report shall be issued on or before September 30, 1999.

III. After approval by the fiscal committee the department shall forward a copy of each quarterly report to the house finance committee, the senate finance committee, and the governor and council.

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to implement a pharmaceutical purchasing initiative.

II. Enables additional revenues to be made available for certain health and human services programs.

III. Permits the division for children, youth, and families, department of health and human services, to transfer certain funds which would otherwise lapse to the salary adjustment fund.

IV. Permits the commissioner of the department of health and human services to fill authorized unfunded positions.

V. Authorizes the commissioner of the department of health and human services to make transfers among accounts and program appropriation units.

VI. Extends the length of time allowed to recover the costs of state facility energy cost-saving measures.

VII. Makes an appropriation to the governor's office of energy and community services for the purpose of satisfying disallowed federal reimbursed costs.

VIII. Transfers up to \$20,000,000 of general fund undesignated surplus for the fiscal year ending June 30, 1999 to the education trust fund.

IX. Adds the position of warden of the Northern New Hampshire Correctional Facility to unclassified personnel group N.

X. Reduces the state guarantee on bonds issued by the Pease development authority from \$60,000,000 to \$35,000,000 and repeals the provision for Pease development authority bonds to secure bank financing for a comprehensive development plan.

XI. Grants laid-off state employees certain rights with regard to rehiring.

XII. Adds the house of representatives public works and highways committee chairperson to the joint committee on employee relations, permits the speaker of the house and the president of the senate to appoint alternates to the committee, and changes the order in which the members of the committee are listed in the statute.

XIII. Requires a feasibility study on mutual use of Coast Guard facilities and a report on Navigation Project obligations.

XIV. Establishes a committee to study the protection of waterfront properties from erosion.

XV. Makes an appropriation to the department of transportation for the borrow-a-lane project.

XVI. Repeals provisions governing authorization from the governor and council for expenses for out-of-state trips by state officials or employees.

XVII. Establishes the position of deputy director of motor vehicles.

XVIII. Grants pay raises to state employees, judicial employees, and legislative employees.

XIX. Requires the commissioner of health and humans services to develop criteria for measuring productivity gains realized by the department from investments in computers and information technologies, and to submit a quarterly report on such gains to the fiscal committee.

The Weyler/Belvin floor amendment (1852h), as offered by Rep. Hager, was adopted.

The question now being the adoption of Ought to Pass with Amendment.

Rep. Alger spoke against.

Reps. Burling and Jacobson spoke in favor.

Rep. Hager spoke in favor and yielded to questions.

motion to lay on the table

Rep. Alger moved that **HB 2-FN-A**, relative to state fees, funds, revenues and expenditures, be laid on the table.

Rep. Burling requested a roll call, sufficiently seconded.

YEAS 111 NAYS 237			
YEAS 111			
BELKNAP			
Boyce, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	Patten, Betsey		
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Merrill, Gerald	Pratt, Leighton		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Mirski, Paul	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Andrews, Frederick	Batula, Peter	Beaupre, Roland	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Fenton, James	Fletcher, Richard	Gagnon, Eugene
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
L'Heureux, Robert	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Mosher, William	Nolan-Piteri, Dawn	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Lavoie, Gerard	Leber, William

Marple, Richard	Nichols, Avis		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Grant, Kenneth	Griffin, Mary	Hutchinson, Karen
Kobel, Rudolph	Letourneau, Robert	Major, Norman	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Priestley, Anne	Putnam, Ed, II	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Zolla, William		
STRAFFORD			
McKinley, Robert	Woods, Phyllis		
SULLIVAN			
Kibbey, David			
NAYS 237			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, Robert
Millham, Alida	Pilliod, James	Wood, Jane	
CARROLL			
Bradley, Jeb	Kenney, Joseph	Mock, Henry	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Landers, Dana	Mears, Edgar	Tholl, John, Jr	Woodward, David

GRAFTON			
Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Marshall, Gene	Nordgren, Sharon	Scanlan, David
Solow, Martha			
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Bergin, Peter	Buckley, Raymond
Burkush, James	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	LaPorte, George	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moran, Edward	Moriarty, Mary	Murphy, Robert	O'Hearn, Jane
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Crosby, Toni	Crowell, Peter
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David, Sr	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Potter, Frances	Poulin, Dave	Reardon, Tara

Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Downing, Michael
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Langley, Jane	Langone, John	Lovejoy, Marian	McKinney, Betsy
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Rabideau, Marie
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Vaughn, Charles
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Whittier, John
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Musler, George
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		

and the motion failed.

The question now being the adoption of Ought to Pass with Amendment.

Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 190 NAYS 158			
YEAS 190			
BELKNAP			
Millham, Alida	Pilliod, James	Wood, Jane	
CARROLL			
Dickinson, Howard	Mock, Henry	Philbrick, Donald	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Tholl, John, Jr			
GRAFTON			
Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Scanlan, David	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Desrosiers, William	Drabinowicz, A
Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette

Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
LaRose, Richard	Lasky, Bette	Leonard, Peter	Lynde, Harold
McCarthy, William	McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moriarty, Mary	Murphy, Robert
Perkins, Paul	Peterson, Andrew	Reidy, Frank	Sarette, John
Sargent, Maxwell	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John			
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Cooney, Richard	Downing, Michael	Gibbons, Paul	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langone, John	Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stritch, C Donald	Vaughn, Charles	Weatherspoon, Jackie	Weyler, Kenneth
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair

Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Twardus, Joseph	Vincent, Francis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John		
NAYS 158			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Patten, Betsey	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Woodward, David			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Hinman, Harry	Marshall, Gene	Mirski, Paul	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian

Dokmo, Cynthia	Fenton, James	Fletcher, Richard	Gagnon, Eugene
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	L'Heureux, Robert	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Mercer, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Rowe, Robert
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Whalley, Michael			
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew, Jr	Clark, Vivian	Corbin, C David	Cote, Patricia
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr	Francoeur, Sheila	Grant, Kenneth	Griffin, Mary
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Whittier, John	Zolla, William		
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Woods, Phyllis
SULLIVAN			

Kibbey, David			
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and the report was adopted.

Ordered to third reading.

Rep. Salatiello declared a conflict of interest and did not participate.

motion to reconsider

Having voted on the prevailing side, Rep. Keith Herman moved that the House reconsider its action whereby it passed ***SB 199***, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system, and spoke against.

Rep. Burling requested a roll call, sufficiently seconded.

YEAS 169 NAYS 178			
YEAS 169			
BELKNAP			
Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
CARROLL			
None			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lerandean, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Hawkinson, Marie	Landers, Dana	Mears, Edgar	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Gilman, G Michael	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Solow, Martha
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien

Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A	Dwyer, Paul, Sr
Fields, Dennis	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	McCarthy, William	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary
Murphy, Robert	Perkins, Paul	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
MERRIMACK			
Bouchard, Candace	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Jacobson, Alf	Moore, Carol
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Cox, Russell	Downing, Michael
Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kobel, Rudolph	Langone, John	Moore, Benjamin
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Rabideau, Marie	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles	Weatherspoon, Jackie	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy

Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John			
NAYS 178			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Lawton, Robert	Rice, Thomas
Rosen, Ralph	Thomas, John	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Hall, David	Hinman, Harry
Marshall, Gene	Mirski, Paul	Scanlan, David	Ward, Brien
Weber, Phil			
HILLSBOROUGH			

Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dyer, Merton	Fenton, James
Fletcher, Richard	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Jean, Loren
Kurk, Neal	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Mercer, Robert	Messier, Irene	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Feuerstein, Martin
Hager, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Whalley, Michael
Whittemore, James			
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall

Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Bickford, David	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Woods, Phyllis		
SULLIVAN			
Kibbey, David	Leone, Richard		

and reconsideration failed.

RECESS

(Speaker Sytek in the Chair)

regular calendar – part i (cont'd.)

SB 68, establishing minimum 300 foot buffer zones around sensitive areas from application of herbicides, authorizing a study of environmental effects from residual herbicides and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David L. Babson, Jr. for the Majority of Environment and Agriculture: The majority of the Environment and Agriculture Committee felt that the proposed 300-foot buffer zone around wells, boundary lines, springs, and groundwater would dramatically reduce the working area designated for spraying, making the process uneconomical. The current practice of spraying utilizes the latest technological advances and is only used on a designated area once or twice in the lifetime of the area's trees (approximately 70 years). Although the committee heard anecdotal reports, no scientific evidence was presented that this valuable and cost-effective timberland practice is detrimental to the environment. The majority felt it more likely that the use of household chemicals by the general public presented a far greater environmental threat than the well-monitored and controlled practice of aerial spraying. There was little opposition to the increased monitoring which would be required in this bill. Vote 9-6.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Aerial spraying of herbicides is a procedure to kill the hardwoods and promote certain species desired by the timber owner for targeted desired markets. The effect on wildlife, soil and water is not well understood. How far it may drift is a variable factor and may affect not only the environment but also residential areas. Monitoring of possible environmental damage is a responsibility of the Department of Environmental Services. The department has not been funded to do this monitoring. This bill provides modest available funding.

Rep. Hall spoke against.

Rep. Phinizy spoke against and yielded to questions.

Reps. Melcher and Spang spoke in favor.

Rep. Scanlan spoke in favor and yielded to questions.

Rep. Burling requested a roll call, sufficiently seconded.

The question being the adoption of the majority report.

YEAS 190 NAYS 128			
YEAS 190			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Hunt, John	Lerandeau, Alfred	Manning, Joseph
Pratt, John	Riley, William	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	
COOS			
Davis, Perley	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Marshall, Gene	Mirski, Paul
Scanlan, David	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre

Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Craig, James
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Dwyer, Paul, Sr	Fenton, James	Fields, Dennis
Fletcher, Richard	Franks, Suzan	Gagnon, Eugene	Goley, Jeffrey
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	Melcher, Harold	Mercer, Robert
Moran, Edward	Mosher, William	Murphy, Robert	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Simon, Anthony
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Brewster, Richard	Feuerstein, Martin	Hess, David
Kennedy, Richard	Larrabee, David, Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Bishop, Franklin	Bridle, Russell
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Corbin, C David
Cote, Patricia	Cox, Russell	Dolan, Richard	Dowling, Patricia
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Henderson, Warren	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Sapareto, Frank
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Weare, Everett

Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William
STRAFFORD			
Lundborn, Raymond	McKinley, Robert	Musler, George	Rogers, Rose Marie
Rollo, Michael	Spear, Barbara	Torr, Franklin	Woods, Phyllis
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	Robb-Theroux, Amy
NAYS 128			
BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
Bradley, Jeb			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Russell, Ronald
COOS			
Landers, Dana	Mears, Edgar		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Hinman, Harry	Johnson, Gary	Nordgren, Sharon
Solow, Martha			
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Clemons, Jane	Cote, David	Cote, Peter
Curran, James	Drabinowicz, A	Ford, Nancy	Foster, Linda
Gagnon, Paul	Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Herman, Richard	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	McCarthy, William	McDonald, James, Sr

McDonough-Wallace, Alice	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Nolan-Piteri, Dawn	Sarette, John	Turgeon, Roland	Vaillancourt, Steve
White, John			
MERRIMACK			
Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Jacobson, Alf
Moore, Carol	Potter, Frances	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	DiFruscia, Anthony
Gibbons, Paul	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Norelli, Terie	O'Keefe, Patricia	Pitts, Jacqueline	Rabideau, Marie
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie			
STRAFFORD			
Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Pelletier, Arthur
Pelletier, Marsha	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Tuthill, John	

and the majority report was adopted.

special orders

HB 707-FN, relative to the family division of the courts. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This bill would expand the family court system to add Carroll and Belknap counties to the existing two counties. The court believes that expanding the family court system will add considerable costs to the judicial branch. The committee finds many of the features of the family court system to be desirable, and therefore would like to re-refer the bill in order to thoroughly examine these suggested additional costs to see how they can be minimized Vote 14-2.

Rep. Kurk spoke against.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Kurk offered a floor amendment.

Floor Amendment (1877h)

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

AN ACT relative to the family division of the courts.

Amend paragraph I(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Three members of the house, 2 of whom shall be members of either the judiciary committee or the children and family law committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to Carroll and Belknap counties. The bill also establishes a committee to study implementation of a statewide family division.

Rep. Peterson spoke in favor.

Adopted.

The question now being Ought to Pass with Amendment.

Report adopted and ordered to third reading.

Rep. Burling declared a conflict of interest and did not participate.

SB 40, relative to the health care fund. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg for Finance: This bill would require separate legislation and a 2/3 vote of the House and Senate before any transfers of funds from the Health Care Fund could occur. It would also require the fund to be at the same level at the end of a biennium as it was at the beginning. The Committee felt the cause noble but realized that the statute could be by-passed and funds could still be transferred through "notwithstanding any law to the contrary" language. As a result, it appears to the Committee that the bill would not serve its intended purpose. Vote 11-5.

Rep. Jacobson spoke against.

Rep. Clegg spoke in favor and yielded to questions.

Adopted.

regular calendar – part ii

CACR 11, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 12-5.

Adopted.

CACR 26, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This is one of three constitutional amendments that the committee voted to re-refer in order to have more time to look at the issues. This will not delay implementing any possible constitutional amendment, since no amendment can be placed before the voters until November, 2000. Vote 15-1.

Adopted.

SB 62-FN-A-L, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. OUGHT TO PASS

Rep. Norman L. Major for Finance: This bill appropriates funds to the Department of Resources and Economic Development for the purchase of a certain tract of land, currently operated as Umbagog Lake Campground, located in Cambridge, New Hampshire, on Umbagog Lake. The tract totals

approximately 9.6 acres on the southern shore of Umbagog Lake and is operated as a campground. The acquisition by the state of this tract of land will secure state access to and assure future control of recreational opportunities on and around this lake. Umbagog Lake is a water body that encompasses approximately 7,850 acres (4,532 acres in New Hampshire) and the several thousand acres of adjoining bay area to the north is the last large undeveloped parcel of its kind in the state of New Hampshire. The area is an important habitat for an abundance of wildlife such as blue herons, bald eagles, ospreys and loons. The purchased property will be managed by the Department of Resources and Economic Development, Division of Parks and Recreation. Currently this property is owned by the Trust for Public Lands. The Division of Parks and Recreation will operate this campground under agreement with the Trust for Public Lands until the state's purchase is final. The final sale price of the property has been determined by appraisal, and shall not exceed \$600,000. The Department of Resources and Economic Development (DRED) indicates total state revenues from operating the campground will exceed all state expenses associated with this land purchase and campground operation for all future years. This bill increases general fund bonded indebtedness by \$600,000. Payments of principal and interest on the bonds and notes shall be made from the state park fund, not the general fund Vote 12-6.

Adopted and ordered to third reading.

SB 102, relative to payment of the premium tax. OUGHT TO PASS

Rep. Robert K. Boyce for Finance: This bill simply requires insurers whose annual estimated tax liability is \$400 or less to make one advance annual payment rather than four quarterly payments. Vote 15-0.

Adopted and ordered to third reading.

SB 113, establishing a division of travel and tourism development within the department of resources and economic development. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: This bill elevates travel and tourism from an office to a division. This action puts travel and tourism in a more prominent position. Additionally there is established an advisory committee on travel and tourism to recommend ideas and provide input to the Division of Travel and Tourism. There is a minor cost of approximately \$2,000 each year Vote 10-8.

Adopted and ordered to third reading.

SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: The bill would have required that a percentage of Liquor Commission profits be spent on alcohol education and abuse prevention and treatment. Data was presented concerning the successfulness and cost-effectiveness of these programs. The committee needs more time to evaluate this data and obtain answers to many questions before it can determine what priority should be placed on spending money for this purpose compared with others. Vote 10-5.

Reps. Pilliod and Eaton spoke against.

Reps. MacGillivray, Millham, Vaillancourt and Belvin spoke in favor.

Rep. Pilliod requested a roll call; not sufficiently seconded.

On a division vote, 202 members voting in the affirmative and 108 in the negative, the report was adopted.

SB 182-FN, relative to eligibility for ordinary death benefits under the New Hampshire retirement system. OUGHT TO PASS

Rep. Paul J. Dwyer, Sr. for Finance: This bill is to help spouses of retirees who have passed away and were in service at the time of their death. It offers those spouses a choice of accepting the retiree's earnable compensation in a lump sum or by monthly payments. There is no cost to the retirement system or to the general fund. Vote 15-2.

Adopted.

Ordered to third reading.

SB 187-FN-L, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill provides a health care supplement for retired teachers who are currently retired or will retire prior to July 1, 2004. The \$89.1 million cost will come from the teacher portion of the special account of the New Hampshire Retirement System. The special account was established in 1983 to provide cost-of-living adjustments and other benefit enhancements. The special account has sufficient funds for this purpose. After funding the bill there will be \$74 million remaining to fund reasonable COLAs for the next three to four years. The benefit and funding mechanism is the same as the health care program for retired police and firefighters which has been in effect for the past eleven years. The Finance Committee amendment provides \$110,000 over the biennium from within the budget of the Department of Health and Human Services to fund the legislatively-established Long Term Care Institute. There will be no increase in state or local expenditures as a result of this bill. Vote 15-2.

Amendment (1822h)

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

AN ACT relative to payment of group health insurance premiums for eligible retired teachers and for certain active or retired group II members in the New Hampshire retirement system, and relative to allocation of funds appropriated to the department of health and human services to the long term care institute.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as section 9:

8 Allocation of Funds; Department of Health and Human Services; Long Term Care Institute. Of funds appropriated to the department of health and human services, the commissioner shall pay over to the long term care institute established under RSA 126-L the sum of \$55,000 for each year of the biennium ending June 30, 2001.

AMENDED ANALYSIS

This bill provides for the payment by the retirement system of the cost of group health insurance for eligible retired teachers. The additional benefits shall be funded from the special account for current retired teachers and projected eligible teachers for the next 5 years.

The bill includes certain active or retired group II members for funding of payment of medical benefits.

The bill also provides for the allocation of \$55,000 for each year of the biennium to be paid over from funds appropriated to the department of health and human services to the long term care institute.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Copenhagen, Wallin and Haettenschwiler spoke against.

Rep. Belvin spoke in favor.

Rep. Chandler requested a roll call, sufficiently seconded.

The question being the adoption of the amendment.

YEAS 149 NAYS 172			
YEAS 149			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Marshall, Gene	Scanlan, David
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter	Belvin, William
Brundige, Robert	Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dyer, Merton	Fields, Dennis
Fletcher, Richard	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Kennedy, Richard	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Christie, Andrew, Jr	Clark, Vivian	Cote, Patricia	Cox, Russell
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Nowe, Mary Lou
Nowe, Ronald	Packard, Sherman	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

STRAFFORD			
Bickford, David	Cossette, Larry	Kaen, Naida	McKinley, Robert
Spear, Barbara	Torr, Franklin	Wall, Janet	Woods, Phyllis
SULLIVAN			
Leone, Richard	Robb-Theroux, Amy		
NAYS 172			
BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
Lyman, L Randy			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			
COOS			
Davis, Perley	Hawkinson, Marie	Landers, Dana	Mears, Edgar
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Johnson, Gary	Mirski, Paul
Nordgren, Sharon	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Burkush, James
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A
Dwyer, Paul, Sr	Fenton, James	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth

Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Holley, Sylvia	Jean, Claudette	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	Reeves, Sandra
Reidy, Frank	Sarette, John	Vaillancourt, Steve	White, John
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Langer, Ray	Lockwood, Priscilla	Marshall, Kenneth	Moore, Carol
Potter, Frances	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Cooney, Richard
Corbin, C David	DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia
Francoeur, Sheila	Gibbons, Paul	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Langone, John	Morse, Charles
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Putnam, Ed, II	Rabideau, Marie
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Varrell, Thomas
Vaughn, Charles	Weatherspoon, Jackie		
STRAFFORD			
Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	McIntyre, Sara	Phinizy, James
Tuthill, John			

and the amendment failed.

Rep. Dyer moved Ought to Pass.

Adopted.

Ordered to third reading.

Reps. Francis Davis, Feuerstein and Royce declared conflicts of interest and did not participate.

COMMITTEE REPORTS

CONSENT CALENDAR – Part III

Rep. Chandler moved that the Consent Calendar – Part III, as printed in House Record No. 70, dated June 28, 1999, be adopted.

Consent Calendar adopted.

SB 11-FN, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. RE-REFER TO COMMITTEE

Rep. Steve Vaillancourt for Finance: With the final grains of sand passing through the upper portion of the hourglass, Finance did not have the necessary time to devote to this bill which deals with changes in how mutual funds pay filing fees to the state. The fiscal note was far from helpful. It revealed that the impact of this bill could range from a loss of \$690,000 a year to a gain of \$310,000. By re-referring this bill, Finance intends to get a better handle on this data and then decide whether it is in the best fiscal interests of the state. Vote 17-0.

SB 114, relative to health care carrier disclosure of third party liability. OUGHT TO PASS

Rep. Robert K. Boyce for Finance: The Finance Committee agrees with the Commerce Committee that this bill simplifies the process the Department of Health and Human Services goes through to ensure all commercial or third party insurance liability is paid prior to the state Medicaid system picking up those costs. The sharing of information between the Insurance Department and HHS will not violate any confidentiality rights. There is a fiscal note decreasing expenditures by over \$1,000,000; the state would retain at least half of these savings. Vote 17-0.

SB 186-FN, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill increases minimum allowances from \$5,200 to \$7,500 annually for retired group II members, requires a spousal acknowledgement of members' election of optional retirement allowance, and repeals the reduction by a social security offset of a minimum service retirement. Currently, the police special fund has a balance of \$62.5 million and the fire \$45.5 million. These figures include the July COLAs. This legislation further depletes the special funds by \$3.8 million and \$3.6 million respectively. Due to time constraints, and lack of a 5-year actuarial table demonstrating losses attributable to the repeal of a social security offset, the Finance Committee recommends Re-refer. Vote 16-1.

SB 222-FN-A-L, relative to guarantee of loans to local development organizations. RE-REFER TO COMMITTEE

Rep. Susan W. Almy for Finance: The committee, having just received this bill, no longer has enough time to collect the information needed to pass it, and asks for Re-refer. Vote 18-0.

REGULAR CALENDAR – part iii

HB 235-FN-A, increasing the exemption amount under the interest and dividends tax. RE-REFER TO COMMITTEE

Rep. Bruce F. Hunter for Finance: This bill would increase the exemptions under the interest and dividends tax. The Finance Committee found that a comprehensive review of this tax is warranted. Members heard many suggestions for modifying this tax, including increased exemptions, increased exemptions for people over 65, and increased exemptions for those individuals with limited total income. **The Department of Revenue Administration reported that this bill would decrease state revenue by \$10.2 million in FY 2000 and each year thereafter.** The committee will spend the next several months looking at various proposals to limit this tax and to insure that any exemption structure is fairly constructed. Vote 16-0.

Adopted.

HB 615-FN-A, establishing a brain and spinal cord injury trust fund and continually appropriating a special fund and establishing a registry for brain and spinal cord injuries. OUGHT TO PASS WITH AMENDMENT

Rep. O. Alan Thulander for Finance: The committee spent considerable time on this bill trying to find an acceptable method of funding this trust fund that would be adequate and sustainable. We were unable to do so. We therefore eliminated the funding portion so that the registry could proceed and the trust fund be taken up when more information is available. The registry should provide the Department of Health and Human Services and the legislature with the data to help determine the nature and cost of future services to people with brain and spinal cord injuries. Vote 17-0.

Amendment (1827h)

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

AN ACT establishing a registry for brain and spinal cord injuries.

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

1 Chapter Heading. Amend the chapter heading of RSA 137-K to read as follows:

[New Hampshire] Brain and Spinal Cord

[Injury Advisory Council] **Injuries**

2 New Section; Definitions. Amend RSA 137-K by inserting after section 1 the following new section:

137-K:1-a Definitions. In this chapter:

I. "Brain and spinal cord injury" means any injury to the brain or spinal cord which causes death or requires medical care and treatment or results in long-term disability.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

IV. "Prevention services" means organized activities which are capable of reducing the incidence and prevalence of brain and spinal cord injuries.

V. "Risk assessment" means the measurement and evaluation of the threat resulting from these injuries.

VI. "Facility" means a governmental or private agency, department, institution, clinic, laboratory, hospital, health maintenance organization, association, physician, or other similar unit diagnosing or providing treatment for brain and spinal cord injuries.

3 Reference Change. Amend the introductory paragraph of RSA 137-K:2, I to read as follows:

I. There is established the New Hampshire brain and spinal cord injury advisory council in the department ~~[of health and human services]~~. The advisory council shall consist of the following members:

4 Reference Change. Amend the introductory paragraph of RSA 137-K:3 to read as follows:

137-K:3 Rulemaking. The commissioner ~~[of health and human services]~~ shall, after consultation with the advisory council established in RSA 137-K:2, adopt rules under RSA 541-A relative to:

5 New Paragraphs; Rulemaking Added. Amend RSA 137-K:3, V to read as follows:

V. Conducting prevention and screening services and delivering education programs.

VI. Content and design of all forms and reports required by this chapter.

VII. Procedures for disclosure of information gathered by the brain and spinal cord registry, by monitoring and evaluating health data, and from completed risk assessments.

VIII. Any other matter necessary for the administration of this chapter.

6 New Sections; Duties; Registry Established. Amend RSA 137-K by inserting after section 5 the following new sections:

137-K:5 Duties. The commissioner shall:

I. Educate the public regarding factors associated with the risk of brain and spinal cord injuries.

II. Monitor the morbidity and mortality of brain and spinal cord injuries.

III. Evaluate available health data for use in delivering prevention services.

IV. Offer prevention services to population groups at risk of developing brain and spinal cord injuries.

V. Undertake risk assessment activities.

137-K:6 Brain and Spinal Cord Injury Registry Established. There shall be established in the department a brain and spinal cord injury registry for compilation and analysis of information relating to the incidence, diagnosis, and treatment of brain and spinal cord injuries.

137-K:7 Reporting. All facilities shall provide a report to the brain and spinal cord injury registry containing information regarding a brain and spinal cord injury diagnosed or being treated.

137-K:8 Disclosure; Confidentiality.

I. A report provided to the brain and spinal cord injury registry disclosing the identity of an individual, who was reported as having a brain and spinal cord injury, shall only be released to persons demonstrating a need which is essential to health-related research, except that the release shall be conditioned upon the individual granting authority to release the information and personal identities remaining confidential.

II. Analyses and compilations of data prepared under RSA 137-K:5 which do not disclose the identity of an individual and which cannot be used to surmise an identity shall be available to the public under RSA 91-A.

III. The physician-patient privilege shall not apply to reports prepared pursuant to RSA137-K:7.

137-K:9 Maintenance of Reports. Reports provided to the brain and spinal cord injury registry under RSA 137-K:7, and analyses and data prepared under RSA 137-K:5 shall be maintained by the department in a manner suitable for brain and spinal cord injury research purposes, and shall be available to persons as prescribed in RSA 137-K:8.

7 Report to Legislature by Commissioner. The commissioner of health and human services shall make a report to the speaker of the house of representatives and the senate president by June 30, 2000 on the establishment of the registry pursuant to RSA 137-K, and on the data collected and maintained by the department, including the types of injuries reported and the causes of such injuries.

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

AMENDED ANALYSIS

This bill establishes a registry for compilation and analysis of information relating to brain and spinal cord injuries, and requires the commissioner of health and human services to make an initial report to the legislature on the establishment of the registry.

Adopted.

Report adopted and ordered to third reading.

HB 709-FN-A-L, relative to the railroad tax. OUGHT TO PASS

Rep. Jean R. Wallin for Finance: This bill clarifies the tax treatment of railroad companies that operate on state-owned railroad corridors and provides a share of the revenues from these operations to the twenty-eight towns and cities on the four railroad corridors. Cities and towns along state-leased corridors will share approximately \$25,000, and cities and towns along other railroad corridors will share approximately \$155,000. The state general fund will receive approximately \$311,000 from the railroad tax, a decrease of approximately \$140,000. The remaining revenue (approximately \$293,000) is paid to a special railroad fund (RSA 228:68-69) which provides for the maintenance and repair of the railroad lines. Vote 14-2.

Adopted and ordered to third reading.

Rep. Leishman declared a conflict of interest and did not participate.

SB 195-FN-A, appropriating funds for sludge testing. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Finance: The Department of Environmental Services, under citizen pressure to act and against the advice of the Joint Administrative Committee on Legislative Rules, put rules into effect in March 1999 requiring that all municipalities with wastewater treatment plants whose products are spread as sludge or compost undergo re-certification. This re-certification entails \$10,000 of testing the first year and \$2,500 every year thereafter. The municipalities raised this as a 28-a issue. The Senate voted to approve the \$500,000 that the first year of testing would entail. The House Finance amendment drops this cost to \$210,000, after an agreement from the department to waive the testing for those municipalities whose treatment lagoons are only emptied once in 10-15 years. There are seven municipal plants that regularly land-apply sludge and ten that turn it into compost. Next year the department will bring in a bill through which this issue can be properly debated by the legislature. The \$210,000 cost is to the FY 99 general fund from department wastewater funds that would otherwise lapse. Vote 17-0.

Amendment (1837h)

1 Transfer of Appropriation. The amount of \$210,000, appropriated for state aid grants by 1997, 350:1 PAU 03, 04, 02, 01, 04 for fiscal year 1999, shall be transferred as income to the sampling and analysis of sludge or biosolids samples fund under RSA 485-A:4, XVI-c.

AMENDED ANALYSIS

This bill transfers \$210,000 appropriated for state aid grants to the sampling and analysis of sludge or biosolids samples fund.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

SB 158-FN, relative to indecent exposure. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill increases the penalty for indecent exposure when a person purposely performs any act of penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger. The penalty shall be a Class B Felony instead of a misdemeanor. If a person has previously been convicted of 2 or more offenses of this indecent exposure in the presence of a child who is less than 16 years of age it shall be a Class A Felony. Vote 10-2.

Amendment (1815h)

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

AN ACT relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications.

Amend RSA 645:1, I-a as inserted by section 1 of the bill by replacing it with the following:

(a) Fornicates, exposes his or her genitals or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

Amend RSA 645:1, II-a as inserted by section 1 of the bill by replacing it with the following:

(a) Such person purposely performs any act of penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 5:

2 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:1, III(a) to read as follows:

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

3 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:6, I to read as follows:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2, ~~632-A:3,~~ **or 645:1, III**, and any offender against children convicted of a violation or attempted violation of RSA 169-B:41, II, 633:1, 633:2, 639:3, III, 645:2, II, 649-A:3, I, or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

4 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:7, II(a) to read as follows:

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

- (1) RSA 632-A:2, I(l).
- (2) RSA 632-A:2, II.
- (3) RSA 632-A:3, III.
- (4) RSA 645:1, II.
- (5) ***RSA 645:1, III.***
- (6) Any offense described in RSA 651-B:1, V.

AMENDED ANALYSIS

This bill changes the definitions and penalties for indecent exposure, and includes such offenders in certain sexual offender registry classifications.

Adopted.

Rep. Knowles offered a floor amendment.

Floor Amendment (1880h)

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

AN ACT relative to definitions and penalties for indecent exposure and inclusion in certain sexual offender registry classifications.

Amend RSA 645:1, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Fornicates, exposes his or her genitals or performs any other act of gross lewdness under circumstances which he or she should know will likely cause affront or alarm.

Amend RSA 645:1, II-a as inserted by section 1 of the bill by replacing it with the following:

(a) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is 12 years of age or younger.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as section 5:

2 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:1, III(a) to read as follows:

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

3 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:6, I to read as follows:

I. Any sexual offender convicted of a violation or attempted violation of RSA 632-A:2, ~~632-A:3~~, **or 645:1, III**, and any offender against children convicted of a violation or attempted violation of RSA 169-B:41, II, 633:1, 633:2, 639:3, III, 645:2, II, 649-A:3, I, or 650:2, II, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

4 Addition to Sexual Offender Registry Classifications. Amend RSA 651-B:7, II(a) to read as follows:

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

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

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

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

(4) RSA 645:1, II.

(5) **RSA 645:1, III.**

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

AMENDED ANALYSIS

This bill changes the definitions and penalties for indecent exposure, and includes such offenders in certain sexual offender registry classifications.

Adopted.

Report adopted and ordered to third reading.

COMMITTEE OF CONFERENCE REPORT ON SB 30

Committee of Conference Report on SB 30, an act relative to the cruelty to animals laws.

Recommendation:

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

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

Amend RSA 644:8, IV-a as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) The provisions of RSA 284 shall not be affected by this section

Conferees: Sens. Wheeler, Dist. 21; Trombly, Dist. 7 and Disnard, Dist. 8.

Conferees: Reps. Weare, Rock. 21; Mikowski, Rock. 29; Fesh, Rock. 13 and Welch, Rock. 18.

Adopted.

senate messages

concurrences

HB 658, relative to certification, registration, and insurance requirements for recovery agents who assist bail agents and sureties.(Amendment SJ 25, 6/24/99)

Rep. Goulet moved that the House concur and spoke in favor.

Adopted.

HB 741, relative to the ratio of apprentices to journeymen in trade or industry apprenticeship programs. (Amendment SJ 24, 6/22/99)

Rep. Daniels moved that the House concur and spoke in favor.

Adopted.

amendment to house rules

Reps. Chandler and Burling offered the following:

Amendment (1957h)

Amend House Rule 64 by inserting the following after the July 1, 1999 entry:

September 7, 1999, Tuesday

First day that requests for drafting of bills for introduction in the second year session may be filed with the Office of Legislative Services.

October 7, 1999, Thursday

Last day to file bill drafting requests.

November 1, 1999, Monday

Last day to report all re-referred bills from the first year session.

November 10, 1999, Wednesday

Last day to file legislation relating to subject matter of study committees.

November 22, 1999, Monday

Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign off shall be 10 calendar days after receipt by the sponsor of the draft legislation or November 22, whichever day is earlier.

December 6, 1999, Monday

Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation or December 6, whichever day is earlier.

December 21, 1999, Tuesday

Availability of chairmen's copies of all bills and resolutions.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Burling spoke in favor.

Adopted.

suspension of rules

Reps. Chandler and Burling move that the Rules be so far suspended, with regard to Committees of Conference, to permit them to meet without the required 24-hour notice for posting as required by House Rule 43 (c) and to remove the requirement that the committee of conference reports be distributed to be acted on some subsequent day as required by House Rule 49 (a).

Reps. Chandler and Burling spoke in favor.

Adopted by the necessary two-thirds.

senate messages

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEES OF CONFERENCE

SB 183-FN-A, establishing a New Hampshire health access corporation and continually appropriating a special fund and making an appropriation therefor, requiring the department of health and human services to make a biennial report on the health status of New Hampshire residents, relative to certain transfers to the health care fund, and relative to rates for pharmaceutical services..

The President appointed Sens. Squires, Fernald and Pignatelli.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Keith Herman, Dalianis and Taylor.

SB 224, relative to stenographic records and availability of transcripts of adjudicative hearings before licensing boards.

The President appointed Sens. Gordon, Pignatelli and Cohen.

Rep. Mercer moved that the House accede.

Adopted.

The Speaker appointed Reps. Goulet, Millham, Stickney and Virtue.

SB 214-FN, relative to ambulatory surgical facilities and establishing a committee to study the health services planning and review board.

The President appointed Sens. Wheeler, Fernald and Gordon.

Rep. Batula moved that the House accede.

Adopted.

The Speaker appointed Reps. Batula, Wendelboe, Pilliod and Donovan.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Thursday, July 1, 1999 at 11:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 105, relative to continuation of coverage of health insurance.

SB 199, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

HB 707-FN, relative to the family division of the courts.

SB 62-FN-A-L, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor.

SB 102, relative to payment of the premium tax.

SB 113, establishing a division of travel and tourism development within the department of resources and economic development.

SB 182-FN, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.

SB 187-FN-L, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system.

SB 114, relative to health carrier disclosure of third party liability.

HB 615-FN-A, establishing a registry for brain and spinal cord injuries.

HB 709-FN-A-L, relative to the railroad tax.

SB 195-FN-A, appropriating funds for sludge testing.

SB 158, relative to indecent exposure.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committees of Conference only.

Adopted.

The House recessed at 4:18 p.m.

RECESS

(Rep. Keith Herman in the Chair)

senate messages

concurrence

HB 2-FN-A, relative to state fees, funds, revenues, and expenditures.

HB 395-FN-A, establishing a program of matching grants to preserve historic agricultural structures in New Hampshire.

HB 451, establishing a committee to study first and second mortgage home loans.

HB 468, relative to the home rule powers of municipalities.

HB 559-FN-A, authorizing vanity plates or decals for OHRV registrations.

HB 576-FN-A, establishing additional staff positions for statewide child custody and support impact seminars, and making an appropriation therefor.

HB 608-FN-A, establishing a New Hampshire emergency management response and recovery fund and making an appropriation therefor.

HB 652, relative to victims' assistance, penalty assessments on criminal offenses, and establishing a surcharge on items sold at state prison commissaries which is continually appropriated to the victims' assistance fund.

HB 698-FN-L, restricting fees for registration permits for certain vehicles.

HB 719, relative to procedures regarding children in need of services.

HB 738, making an appropriation to the department of administrative services for the purpose of reimbursing counties for providing prisoner custody in courthouses.

HCR 11, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds.

CACR 6, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise such powers which are not prohibited by the state constitution, state statute, or common law.

re-referred to committee

HB 97, relative to the right to farm.

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

HB 449-FN, requiring boating safety education.

HB 640-FN, relative to grievance procedures of managed care organizations.

HB 690-FN-L, relative to charter schools and open enrollment districts.

HJR 6, encouraging the revitalization of the northern rail line from Concord to Lebanon.

nonconcurrence

HB 551, revising the definition of "employer" under the employment discrimination laws of the state.

HB 605-FN, affirming sovereign immunity for the state and its political subdivisions as it relates to the "year 2000 problem".

HB 633-FN-L, establishing parental choice scholarships.

HB 639-FN, relative to motor vehicle registration fees for antique motor vehicles and motorcycles.

HB 728-FN, establishing a commission to study the compensation of members of the legislature and the reimbursement for expenses.

HCR 7, urging the federal government not to adopt rules requiring financial institutions to monitor their customers' banking habits.

refuses to accede to request for committee of conference

HB 411, requiring voters to present identification.

nonconcurrence with amendment

SB 199, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

concurrence with amendments

SB 20, relative to soliciting or selling tickets to entertainment or sports events on public ways.

SB 27, relative to assessment fee schedules for trust companies and banks.

SB 28, relative to food production and distribution and food service licensure.

SB 32, exempting employers of certain part-time contractors from providing unemployment compensation, and establishing a study committee to analyze ways to reconcile inconsistencies within the statutes with regard to independent contractors.

SB 53, relative to licensure of physicians providing teleradiology services in this state.

SB 58, allowing clinical mental health counselors to obtain third party payment for services rendered which would otherwise qualify for such payments.

SB 62-FN-A-L, relative to the acquisition of Umbagog Lake Campground in Cambridge, NewHampshire, and making an appropriation therefor.

SB 69-L, relative to health care charitable trusts and community benefits.

SB 78, relative to contract requirements between a paid solicitor and a charitable trust.

SB 83, relative to the regulation of the practice of veterinary medicine.

SB 93, relative to self-storage facility liens.

SB 105, relative to continuation of coverage of health insurance.

SB 113, establishing a division of travel and tourism development within the department of resources and economic development.

SB 131-FN-A, changing the name of the office of travel and tourism to the office of travel and tourism development, and updating outdated references to the office of vacation travel.

SB 167, relative to off-label prescription drugs.

SB 175-FN, requiring insurance coverage for prescription contraceptive drugs and prescription contraceptive devices and for contraceptive services.

SB 177, allowing marriage and family therapists to obtain third party payment for services rendered which would otherwise qualify for such payments.

SB 191, relative to the New Hampshire higher educational and health facilities authority.

SB 197-FN-A, adding a duty to the committee to study the state substance abuse treatment delivery system.

SB 198-FN, relative to voluntary certification of persons installing or servicing propane gas or heating oil equipment.

SB 200, relative to child day care licensing procedures.

SB 201-FN, reclassifying non-support as a felony under certain circumstances.

SB 209-FN-L, establishing a study committee on certain matters concerning superior court justices.

SB 223, establishing a wellness and primary prevention council.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 25-FN-A, making appropriations for capital improvements.

The President appointed Sens. Larsen, D'Allesandro, Wheeler and John King. (Alternates: Sens. Gordon and Blaisdell)

HB 252, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

The President appointed Sens. Trombly, Disnard and Roberge.

HB 265, relative to the student trustees on the university system of New Hampshire board of trustees.

The President appointed Sens. McCarley, Gordon and D'Allesandro.

HB 291, establishing a study committee for seed sterilization technology or "terminator" technology.

The President appointed Sens. Cohen, Wheeler and Russman.

HB 333, relative to contracts between participating providers and managed care entities.

The President appointed Sens. Wheeler, McCarley and John King.

HB 369, establishing a committee on educational programs on tobacco use for minors.

The President appointed Sens. Wheeler, McCarley and Johnson.

HB 408, relative to drug formularies under managed care entities.

The President appointed Sens. Wheeler, Squires and Roberge.

HB 463-L, relative to local regulation of junk yards and altering the definition of federal aid primary system for purposes of the laws regarding highways regulations, protection and control regulations.

The President appointed Sens. Russman, Pignatelli and Below.

HB 562, relative to the date of decision for appeals of zoning matters.

The President appointed Sens. Trombly, Wheeler and Roberge.

RECESS

(Rep. Clegg in the Chair)

senate message

REQUESTS CONCURRENCE WITH AMENDMENT

HB 341, relative to the process for nonrenewal of teacher contracts.. (Amendments printed SJ 26, 6/29/99))

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. O'Hearn, Alger, Henderson and Snyder.

RECESS

(Rep. Thomas in the Chair)

senate messages

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 563, relative to names of limited liability partnerships and companies and cooperative associations. (Amendment printed SJ 26, 6/29/99)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Hunt, Keith Herman, Francoeur and Taylor.

HB 684, making adjustments to the fiscal year 1999 budget for the department of Health and human services. (Amendment printed SJ 26, 6/29/99)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Hess, Henderson, Whalley and Konys.

RECESS

(Rep. Whalley in the Chair)

senate messages

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 331, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers. (Amendment printed SJ 26, 6/29/99)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Keith Herman, Chandler, Francoeur and Hawkinson.

HB 685-FN-A, relative to the duties of the New Hampshire land and community heritage commission. (Amendment printed SJ 23, 6/17/99)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Whalley, Kurk, Major and Hawkinson.

RECESS

(Rep. Whalley in the Chair)

senate messages

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 584-FN, relative to administrative license suspensions. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Christie, Lozeau, Weare and Knowles.

HB 616-FN-A, establishing a house study committee to consider issues related to the driver training fund. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Packard, Kurk, Letourneau and Buckley.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.. (Amendment printed SJ 26, 6/29/99)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Packard, Kurk, Letourneau and Konys.

RECESS

(Rep. Christie in the Chair)

senate messages

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 158. relative to indecent exposure.

The President appointed Sens. Pignatelli, John King and Gordon.

Rep. Welch moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Weare and Knowles.

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 331, relative to voiding warranties on leased or purchased motor vehicles where any additional equipment is installed after leaving the factory, and creating penalties for failure to disclose this information to consumers.

The President appointed Sens. Larsen, Pignatelli and Squires.

HB 341, relative to the process for nonrenewal of teacher contracts.

The President appointed Sens. McCarley, Hollingworth and John King.

HB 563, relative to names of limited liability partnerships and companies and cooperative associations.

The President appointed Sens. Klemm, Wheeler and Fraser.

HB 584-FN, relative to administrative license suspensions.

The President appointed Sens. Gordon, Pignatelli and McCarley.

HB 616-FN-A, relative to providing funds to certified driver education courses from the driver training fund.

The President appointed Sens. Gordon, Pignatelli and McCarley.

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor.

The President appointed Sens. Gordon, Pignatelli and McCarley.

HB 684, making adjustments to the fiscal year 1999 budget for the department of health and human services.

The President appointed Sens. McCarley, Hollingworth and Johnson.

HB 685-FN-A, relative to the duties of the New Hampshire land and community heritage commission.

The President appointed Sens. Larsen, Hollingworth and Russman.

CONCURRENCE WITH AMENDMENTS

SB 187-FN-L, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system.

SB 195-FN-A, appropriating funds for sludge testing.

RECESS

(Rep. Clegg in the Chair)

senate messages

REQUESTS CONCURRENCE WITH AMENDMENT

HB 112-FN-A, increasing the tobacco tax and imposing the tax on all types of tobacco products.
(Amendments printed SJ 26, 6/29/99)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Lozeau, Chandler, Kurk and Buckley.

enrolled bill amendments

HB 94, relative to enforcement of the child passenger restraint law.

Amendment (1858-EBA)

Amend section 2 of the bill by replacing line 3 with the following:

IV. A driver who is under 18 years of age shall not be subject to license suspension
for a

Adopted.

HB 410, relative to the enforcement authority of the department of environmental services.

Amendment (1896-EBA)

Amend RSA 485-A:22, II as inserted by section 3 of the bill by replacing line 2 with the following:

485-A:4-6, or any lawful regulation of the department issued pursuant to this subdivision or

Adopted.

HB 670, establishing an advisory board to study the future of the New Hampshire automated
information system's "Webster" Internet site.

Amendment (1913-EBA)

Amend RSA 201-A:27, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The terms of the members appointed pursuant to subparagraphs II(c), (g), and (h)
shall be 3

Adopted.

HB 688, relative to the custody and escheat of abandoned and unclaimed property.

Amendment (1860-EBA)

Amend RSA 471-C:30, II as inserted by section 5 of the bill by replacing line 4 with the following:

~~treasurer~~] as a deduction for any costs and service charges which the state shall incur in escheat proceedings or with respect to reimbursements made pursuant to paragraph ~~[VII]~~ **III**. The administrator shall deposit this sum in the general fund.

Adopted.

RECESS

(Rep. Keith Herman in the Chair)

senate message

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 112-FN-A, increasing the tobacco tax and imposing the tax on all types of tobacco products.

The President appointed Sens. Hollingworth, McCarley and Fraser.

RECESS

(Rep. Clegg in the Chair)

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill 596.

Rep. Lozeau, Sen. D'Allesandro for the Committee

enrolled bill amendment

HJR 2, urging that federal air pollution programs not punish early adopters of air pollution control technology.

Amendment (1859-EBA)

Amend the first paragraph after the resolving clause by replacing line 2 with the following:

allocation of allowances or other items of commercial value, or any future reduction requirements;
and

Adopted.

RECESS

(Rep. Konys in the Chair)

enrolled bill amendments

SB 37-FN, relative to fees for testing of domestic animals for disease. (Amendment printed SJ 27, 7/1/99)

Adopted.

SB 104, making a variety of changes in certain insurance laws. (Amendment printed SJ 27, 7/1/99)

Adopted.

RECESS