

HOUSE RECORD

**First Year of the 157th Session of the General
Court**

Calendar and Journal of the 2001 Session

Vol. 23

Concord N. H.

Thursday, May 17, 2001

No. 47

HOUSE JOURNAL No. 16 (cont.)

Thursday, May 3, 2001

(Rep. Foster in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 121, 236, 263, 395 and 480.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Rep. Jeb Bradley in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 124, 242, 273, 397 and House Joint Resolution 3.

Rep. Nowe, Sen. Pignatelli for the Committee

RECESS

(Speaker Chandler in the Chair)

COMMITTEE ASSIGNMENTS

Rep. David J. Gleneck on Election Law.

Rep. George J. Liebl on Environment and Agriculture.

RECESS

(Rep. Whalley in the Chair)

enrolled bill amendment

HB 489, relative to the regulation of rural electric cooperatives by the public utilities commission and relative to transition and default service and the sale of generation assets by Public Service Company of New Hampshire.

Amendment (1076-EBA)

Amend RSA 369-B:3, IV(b)(1)(B)(ii) as inserted by section 10 of the bill by replacing line 1 with the following:

(ii) ***From initial transition service end day to the day that PSNH***

Adopted.

RECESS

(Rep. Francoeur in the Chair)

RESOLUTION

Rep. Scanlan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 36, 67, 69, 76, 110, 118, 119, 122, 133, 135, 158, 159, 164, 168, 170, 176, 181, 182, 189 and 197 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS,

First, second reading and referral

SB 36-FN-A, making an appropriation to the postsecondary education commission for the purpose of tuition incentive grants. (Education)

SB 67-FN, relative to costs of locating and apprehending persons improperly at large for driving-related offenses. (Transportation)

SB 69-FN-A-L, relative to a New Hampshire Legal Assistance office in Nashua and making an appropriation therefor. (Judiciary)

SB 76-FN, requiring attendance in an education and training program by those who obtain a liquor license and relative to applications for one-day liquor licenses. (Commerce)

SB 110-FN-A, extending the kindergarten construction program. (Education)

SB 118, relative to individual health insurance coverage. (Commerce)

SB 119, relative to small group health insurance coverage. (Commerce)

SB 122, relative to the license to carry a weapon. (Criminal Justice & Public Safety)

SB 133-FN-A, relative to Skyhaven airport and making an appropriation therefor. (Public Works and Highways)

SB 135-FN-L, relative to kindergarten funding. (Education)

SB 158-FN, relative to payment of medical benefits for certain retirement system members retiring with combined creditable service or for certain members who have dependent children. (Executive Departments and Administration)

SB 159-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)

SB 164-FN-A-L, establishing a comprehensive statewide accountability system concerning an adequate education. (Education)

SB 167-FN-A, relative to the medicaid payment for long-term care services. (Health, Human Services and Elderly Affairs)

SB 168-FN, relative to education property tax hardship relief. (Ways and Means)

SB 170, making certain changes to the excavation tax and excavation activity tax. (Ways and Means)

SB 176-FN-A, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Executive Departments and Administration)

SB 181, relative to the manufacture, sale, or installation of certain smoke detectors. (Commerce)

SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. (Health, Human Services and Elderly Affairs)

SB 183-FN-A-L, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. (Ways and Means)

SB 189-FN-A, establishing a gasoline remediation and elimination of ethers fund. (Science, Technology and Energy)

SB 197-FN, restructuring the judicial conduct committee as an independent judicial conduct commission and making an appropriation therefor. (Judiciary)

RECESS

(Rep. Gallus in the Chair)

RESOLUTION

Rep. Peterson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 16, 31, 39, 51, 77, 81, 95, 102, 106, 109, 114, 126, 139, 142, 149, 152, 161, 174, 178, 183, 188 and 192 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS,

First, second reading and referral

SB 16-FN-A, relative to state financial aid for state fairs, and making an appropriation therefor. (Environment and Agriculture)

SB 31, eliminating straight ticket voting. (Election Law)

SB 39, establishing the position of market conduct chief administrator in the insurance department. (Executive Departments and Administration)

SB 51, relative to financial holding companies; cash dispensing machines; the participation in meetings by out-of-state, nondepository trust company directors; and a clarification of the status of student loans. (Commerce)

SB 77, relative to the regulation of plumbers and plumbing. (Executive Departments and Administration)

SB 81-FN-A, regulating medication nursing assistants under the nurse practice act. (Executive Departments and Administration)

SB 95, relative to campaign contribution limits. (Election Law)

SB 102-A, making a capital appropriation to support affordable housing solutions in the state of New Hampshire. (Commerce)

SB 106, relative to consumers' cooperative associations. (Commerce)

SB 109, implementing certain federal regulations relative to setting minimum requirements for employee benefit plan procedures pertaining to the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. (Commerce)

SB 114, establishing a committee to study issues relating to judicial reform, and making an appropriation therefor. (Judiciary)

SB 126, relative to the use of certain credit data in underwriting certain insurance policies.
(Commerce)

SB 139, relative to uniform electronic transactions. (Commerce)

SB 142-FN, relative to the collection of debts owed to the state. (Ways and Means)

SB 149-FN, permitting persons involved in motor vehicle accidents and certain medical researchers access to motor vehicle records. (Transportation)

SB 152-FN, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. (Commerce)

SB 161-FN, relative to treatment for individuals with disabilities and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 174-FN-A, including Martin Luther King, Jr. Civil Rights Day as a holiday for which certain state employees are entitled to holiday pay and relative to employees of the department of youth development services. (Executive Departments and Administration)

SB 178, establishing a committee to study the uniform computer information transactions act.
(Commerce)

SB 183-FN-A-L, relative to distribution of certain meals and rooms tax revenue to municipalities with affordable housing. (Ways and Means)

SB 188-FN-L, relative to abatements and appeals of betterment assessments. (Municipal and County Government)

SB 192-FN, relative to the issuance of high/medium voltage licenses by the electricians' board.
(Executive Departments and Administration)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 489.

Rep. Nordgren, Sen. Wheeler for the Committee

RECESS

HOUSE JOURNAL No. 16 (cont.)

Thursday, May 3, 2001

(Speaker in the Chair)

(Clerk's Note)

Despite the actual date of May 17, 2001, the House continues to be in recess from the session of May 3, 2001.

The House assembled at 10:00 a.m. and was called to order by the Speaker.

reconsideration

Having voted with the prevailing side, Rep. Cox moved that the House reconsider its action of April 26, 2001, whereby it found ***HB 469-FN-L***, relative to the applicable minimum wage for hourly employees, inexpedient to legislate.

Reps. Karen Hutchinson, Jacobson, Lovett and Guay spoke in favor.

Rep. Gilman, Dickinson and Scanlan spoke against.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

YEAS 171 NAYS 168

YEAS 171

BELKNAP

Johnson, William
Wood, Jane

Millham, Alida

Pilliod, James

Rice, Thomas Jr

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Emerson, Susan

Espieffs, Peter

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Guay, Lawrence

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Akins, Ralph	Almy, Susan	Benn, Bernard	Cooney, Mary
Gabler, William	Lovett, Sid	Naro, Debra	Nordgren, Sharon
Pawlek, Marion	Scovner, Nancy	Sokol, Hilda	Solow, Martha

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Balboni, Michael	Baroody, Benjamin
Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter	Buckley, Raymond
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard
Dwyer, Paul	Ford, Nancy	Foster, Linda	Ginsburg, Ruth
Gleneck, David	Goley, Jeffrey	Gorman, Mary	Graham, John
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konys, Christine	LaRose, Richard	Lasky, Bette	Leach, Edward
Leishman, Peter	Lynde, Harold	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Rowe, Robert
Salts, Greg	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Daneault, Gabriel
Davis, Frank	Feuerstein, Martin	Fraser, Marilyn	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Jacobson, Alf
MacKay, James	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Coes, Betsy	Cooney, Richard	Cox, Russell
DiFruscia, Anthony	Gleason, John	Hill, Jonathan	Hutchinson, Karen

Kane, Cecelia	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth	Splaine, James
Trueman, Raymond	Weatherspoon, Jacquelyne	Weyler, Kenneth	Whittier, John

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Harris, Joseph	Harris, Sandra	Phinizy, James	

NAYS 168

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Rozek, Michael
Stohl, Eric	Tholl, John Jr	Woodward, David	

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Scanlan, David
Sova, Charles	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence	Balcom, John
Batula, Peter	Bouchard, David	Bouldin, Michael	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley	Dyer, Merton
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Gargasz, Carolyn	Golding, William
Goulet, Maurice	Greenberg, Gary	Guinta, Frank	Hall, Charles
Herman, Keith	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	Martel, Andre	McHugh, Claire	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Sargent, Maxwell
Souza, Kathleen	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Fraser, Leo Jr	Hutchinson, John	Kennedy, Richard	Langer, Ray
Leber, William	Lockwood, Priscilla	Maxfield, Roy	Poulin, David

Swindlehurst, John Whalley, Michael Winter, Steven

ROCKINGHAM

Arndt, Janet	Camm, Kevin	Carson, Sharon	Clark, Vivian
Corbin, Corey	Dalrymple, Janeen	Dodge, Robert	Dowling, Patricia
Fesh, Bob	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gilbert, Jeffrey	Gilbert, Karl	Giordano, Ronald	Griffin, Mary
Hamel, Albert	Henderson, Warren	Holland, James Jr	Introne, Robert
Itse, Daniel	Johnson, Robert	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Letourneau, Robert	Major, Norman
McKinney, Betsy	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Woekel, Ralph	Zolla, William	

STRAFFORD

Bickford, David	Cossette, Larry	Musler, George	Reid, Christopher
Tsiros, William	Twombly, James	Woods, Phyllis	

SULLIVAN

Jones, Constance	Odell, Bob	Rodeschin, Beverly
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and the motion to reconsider prevailed.

The question now being the motion of Inexpedient to Legislate on *HB 469-FN-L*.

Reps. Norelli, Leach and Lovett spoke against.

Rep. Herman spoke in favor and yielded to questions.

Reps. Corbin, Gilman and Clegg spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the motion of Inexpedient to Legislate.

YEAS 166 NAYS 184

YEAS 166

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Emerson, Susan
Fairbanks, Chandler	Hunt, John	Liebl, George	Roberts, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Horton, Lynn	Pratt, Leighton	Stohl, Eric
Tholl, John Jr	Woodward, David		

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Gilman, G Michael	Giuda, Robert	Marshall, Gene	Mirski, Paul
Scanlan, David	Sova, Charles	Ward, Brien	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balcom, John	Batula, Peter	Bouchard, David	Bouldin, Michael
Bragdon, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christensen, D L Chris	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William	Dionne, Kimberley
Dyer, Merton	Eaton, Richard	Emerton, Lawrence Sr	Fields, Dennis

Fletcher, Richard	Flora, Kathleen	Golding, William	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Hall, Charles	Herman, Keith
Holden, Randolph	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaFlamme, Paul	Martel, Andre	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Sargent, Maxwell	Souza, Kathleen	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	White, Donald	

MERRIMACK

Anderson, Eric	Cummings, Raymond	Dunne, Christopher	Hutchinson, John
Kennedy, Richard	L'Heureux, Stephen	Langer, Ray	Leber, William
Lockwood, Priscilla	Maxfield, Roy	Poulin, David	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Camm, Kevin	Carson, Sharon	Chalbeck, Kevin
Clark, Vivian	Corbin, Corey	Cox, Russell	Dalrymple, Janeen
Dodge, Robert	Dowling, Patricia	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey	Gilbert, Karl
Giordano, Ronald	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Introne, Robert	Itse, Daniel	Johnson, Robert
Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Rausch, James	Ruffner, Walter	Saia, Pamela	Sapareto, Frank
Sloan, Stephen	Stone, Joseph	Stritch, C Donald	Varrell, Thomas
Welch, David	Weyler, Kenneth	Zolla, William	

STRAFFORD

Bickford, David	Cossette, Larry	Musler, George	Tsiros, William
Woods, Phyllis			

SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

NAYS 184

BELKNAP

Johnson, William

Millham, Alida

Pilliod, James

Rice, Thomas Jr

Salatiello, Thomas

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Espiefs, Peter

Manning, Joseph

McGuirk, Paul

Meadar, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Guay, Lawrence

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Rozek, Michael

GRAFTON

Akins, Ralph

Almy, Susan

Benn, Bernard

Cooney, Mary

Gabler, William

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

Solow, Martha

HILLSBOROUGH

Andosca, Mary

Balboni, Michael

Baroody, Benjamin

Bellavance, Paul

Bergeron, Jean-Guy

Bergin, Peter

Buckley, Raymond

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daigle, Robert

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Elliott, Larry

Ford, Nancy

Foster, Linda

Gargas, Carolyn

Ginsburg, Ruth

Gleneck, David

Goley, Jeffrey

Gorman, Mary

Graham, John

Jean, Claudette	Johnson, Lionel	Kacavas, John	Keye, Harvey
Konys, Christine	LaRose, Richard	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lynde, Harold	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Movsesian, Lori
Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew	Rowe, Robert
Salts, Greg	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Thompson, Rob	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	MacKay, James	Moore, Carol
Owen, Derek	Perkins, Randy	Potter, Frances	Reardon, Tara
Rodd, Beth	Rush, Deanna	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	DiFruscia, Anthony	Gleason, John
Holland, James Jr	Hutchinson, Karen	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	McGuire, Robert
Micklon, Stephanie	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Quandt, Matthew	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne
Whittier, John	Woekel, Ralph		

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne

Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

and the motion of Inexpedient to Legislate failed.

Rep. Norelli moved Ought to Pass with Amendment and offered a floor amendment (0909h).

Floor Amendment (0909h)

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
[April 1, 1991 to September 30, 1996	\$4.25
October 1, 1996 to August 31, 1997	\$4.75]
On and after September 1, 1997	\$5.15
<i>On and after October 1, 2001</i>	<i>\$5.65</i>
<i>On and after October 1, 2002</i>	<i>\$6.15</i>

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Rep. Norelli spoke in favor.

Adopted.

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

Rep. Weed requested a roll call; sufficiently seconded.

YEAS 196 NAYS 153

YEAS 196

BELKNAP

Johnson, William	Millham, Alida	Pilliod, James	Rice, Thomas Jr
Salatiello, Thomas	Wood, Jane		

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Dexter, Judson	Espieffs, Peter	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Guay, Lawrence	Landers, Dana	Mears, Edgar
Rodrigue, Robert	Rozek, Michael	Stohl, Eric	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Benn, Bernard
Cooney, Mary	Gabler, William	Lovett, Sid	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Williams, Burton		

HILLSBOROUGH

Andosca, Mary	Balboni, Michael	Baroody, Benjamin	Bellavance, Paul
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Bergeron, Jean-Guy	Bergin, Peter	Buckley, Raymond	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Drisko, Richard	Dyer, Merton
Elliott, Larry	Ford, Nancy	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Gleneck, David	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Jean, Claudette	Johnson, Lionel
Kacavas, John	Keye, Harvey	Konys, Christine	LaRose, Richard
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martel, Andre	Martin, Mary Ellen	McDonough-Wallace, Alice
McHugh, Claire	Melcher, Harold	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Peterson, Andrew	Rowe, Robert
Salts, Greg	Schulze, Joan	Seibel, Christopher	Shaw, Barbara
Spiess, Paul	Sweeney, Cynthia	Thompson, Rob	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Daneault, Gabriel	Davis, Frank	Feuerstein, Martin	Fraser, Leo Jr
Fraser, Marilyn	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	MacKay, James	Maxfield, Roy
Moore, Carol	Owen, Derek	Perkins, Randy	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Seldin, Gloria
Soltani, Tony	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Coes, Betsy	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Flanagan, Natalie	Gilbert, Jeffrey	Gleason, John	Holland, James Jr
Hutchinson, Karen	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	McGuire, Robert	Micklton, Stephanie
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Quandt, Matthew	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	Whittier, John

Woekel, Ralph

STRAFFORD

Albert, Russell	Berube, Roger	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond	Reid, Christopher
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Ferland, Brenda
Franklin, Peter	Harris, Joseph	Harris, Sandra	Phinizy, James

NAYS 153

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Edwards, Dana	Emerson, Susan	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John
Woodward, David

Horton, Lynn

Pratt, Leighton

Tholl, John Jr

GRAFTON

Barker, Robert
Giuda, Robert
Sova, Charles

Cobb, John
Marshall, Gene
Ward, Brien

Dudley, Terri
Mirski, Paul

Gilman, G Michael
Scanlan, David

HILLSBOROUGH

Allan, Nelson
Balcom, John
Bragdon, Peter
Carlson, Donald
Clegg, Robert Jr
Eaton, Richard
Flora, Kathleen
Hall, Charles
Kurk, Neal
Mercer, Robert
Reeves, Sandra
Vaillancourt, Steve

Alukonis, David
Batula, Peter
Brundige, Robert
Chabot, Robert
Coughlin, Pamela
Emerton, Lawrence Sr
Goulet, Maurice
Herman, Keith
L'Heureux, Robert
Milligan, Robert
Souza, Kathleen
White, Donald

Arnold, Thomas Jr
Bouchard, David
Bruno, Pierre
Christensen, D L Chris
Desrosiers, William
Fields, Dennis
Greenberg, Gary
Holden, Randolph
LaFlamme, Paul
Moran, Edward
Tate, Joan

Artz, Lawrence
Bouldin, Michael
Calawa, Leon Jr
Christiansen, Lars
Dionne, Kimberley
Fletcher, Richard
Guinta, Frank
Jean, Loren
McRae, Karen
Pepino, Leo
Thulander, O Alan

MERRIMACK

Anderson, Eric
Kennedy, Richard
Lockwood, Priscilla
Winter, Steven

Cummings, Raymond
L'Heureux, Stephen
Poulin, David

Dunne, Christopher
Langer, Ray
Swindlehurst, John

Hutchinson, John
Leber, William
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Clark, Vivian
Dowling, Patricia
Gilbert, Karl

Camm, Kevin
Corbin, Corey
Fesh, Bob
Giordano, Ronald

Carson, Sharon
Dalrymple, Janeen
Flanders, John Sr
Griffin, Mary

Chalbeck, Kevin
Dodge, Robert
Francoeur, Sheila
Hamel, Albert

Henderson, Warren	Hill, Jonathan	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Zolla, William

STRAFFORD

Bickford, David	Cossette, Larry	Musler, George	Tsiros, William
Woods, Phyllis			

SULLIVAN

Jones, Constance	Odell, Bob	Rodeschin, Beverly
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and the motion was adopted.

Ordered to third reading.

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Thursday, May 17, 2001

The session of Thursday, May 17, 2001 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, The Reverend Frances Potter from Concord.

Blessed Creator of all that is seen and unseen. We know that all our days are embraced by your compassion. We give You thanks today for the life of Walter Mikowski, for his service to our country and for his dedication to this House. We pray that You will receive him now into larger life as You comfort and support his children and all who love him. Bless the work of this House and may all that is done here reflect Your love for all the citizens of our New Hampshire. Amen

Rep. Robert Wheeler led the Pledge of Allegiance.

Our National Anthem was sung by Carrie Constant and Barbara Zerillo, students from Bishop Brady High School.

LEAVES OF ABSENCE

Reps. Belanger, Cardin, Crosby, Donald Flanders, Furman, Nowe, Power and Irene Pratt, the day, illness.

Reps. Bishop, Bridle, Clayton, Dearborn, Duval, Stephanie Eaton, Flint, Betty Hall, Harrington, Hess, Hopper, Naida Kaen, Leone, Lessard, O'Connell, Marsha Pelletier, Quimby, Robb, and Tahir the day, important business.

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

INTRODUCTION OF GUESTS

Linda Cotter, sister of Rep. Marjorie Smith. Former Representative Everett A. Weare, guest of Rep. Dodge. Anne Maxwell, sister of Rep. Frank Davis. Stephanie Langone, granddaughter of Rep. Dudley. Students from Plymouth Regional High School and their teacher, Richard Hanson, guests of Reps. Cooney and Naro. Fourth grade students from Thornton's Ferry Elementary School, guests of the Merrimack Delegation.

special guests

Kristi Nelson of Loudon, USA team member and silver medallist and Ariel Heller of Wilton, USA team member and gold medallist, students who have competed in national and world archery competitions, guests of the House. Members of Interlakes High School Math Team, winners of the 2001 State Math Meet for small schools, guests of the House.

communication

May 9, 2001

Karen O. Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this Day:

Cheshire 11, George J. Liebl, r, Swanzey (12 Centerview Circle) 03446

William M. Gardner, Secretary of State

HOUSE RESOLUTION No. 12

Memorializing State Representative Walter J. Mikowski of Londonderry

WHEREAS, it is with great sadness that we have learned of the death of our friend and colleague Walter J. Mikowski of Londonderry, who was in his third consecutive term as a dedicated member of the House of Representatives; and

WHEREAS, during his tenure in the House, Walter J. Mikowski served with dignity as a valued and respected member of the Committee on Criminal Justice and Public Safety; and

WHEREAS, having served in the United States Army from 1958 to 1979, retiring after twenty-one years of service, Walter J. Mikowski was an active member of the Veterans of Foreign Wars, the American Legion and the Disabled American Veterans; and

WHEREAS, Walter J. Mikowski was an enthusiastic participant in activities of the Londonderry Gridiron and Booster Clubs and could often be found at local high school sporting events, involved in everything from selling hot dogs to ardently cheering for the teams; and

WHEREAS, Walter J. Mikowski rendered service to his community for many years as an officer and member of the Londonderry Lions Club; and

WHEREAS, Walter J. Mikowski, having known great personal sorrow and loss, was sustained by the love and care of his family of three children and four grandchildren; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Walter J. Mikowski be granted high praise and recognition for his dedicated legislative service and for his like service to the Londonderry community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

Rep. Letourneau moved that the remarks by Rep. Packard be printed in the Permanent Journal.

Adopted.

Rep. Packard: Thank you, Mr. Speaker. At this time I would like to recognize some special guests we have in the gallery this morning, the family of Rep. Mikowski: Walter Mikowski, Jr., his son, Karen McCord, his daughter, Greg McCord, his son-in-law, Arianna McCord, his granddaughter, Julia Mikowski, his daughter, James Gamache, Julia's fiancée, Sandy and Dave Madigan, sister-in-law and brother-in-law, Harry Allen, brother-in-law, Pamela Hunt, niece, and Ralph Leone, Miriam and Michelle Dilger who are friends of Walter.

We have lost a very valued colleague and I have lost a very dear friend. I got Walter to run for this office and he always said he was going to pay me back some day. Even though he loved this institution tremendously, he used to kid me constantly. We served in the Lions Club together and

have known each other for over 20 years. He had a tremendous loss last year with the loss of his wife. I just can't imagine what his children are going through now. All I know now is that Walter is now with Ethel up there and may God bless them both.

MOTIONS TO vacate

Rep. Musler moved that the House vacate the reference of **HB 392**, establishing a committee to study the property tax status for land of agricultural fairs, to the Committee on Environment and Agriculture.

Adopted and referred to Municipal and County Government.

Rep. Musler moved that the House vacate the reference of **SB 16-FN-A**, relative to state financial aid for state fairs, and making an appropriation therefor, to the Committee on Environment and Agriculture.

Adopted and referred to Finance.

committee reports

consent calendar

Rep. Scanlan moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 56, relative to health care providers discontinuing service in New Hampshire, removed by Rep. Hunt.

Consent Calendar adopted.

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

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

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

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

Amendment (1159h)

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

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

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

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

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

Amend the bill by replacing section 4 with the following:

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

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

AMENDED ANALYSIS

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

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

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill would amend RSA 265:92-a by providing that the results of preliminary alcohol breath tests may be admissible in court for the sole purpose of showing probable cause for the arrest. These tests are performed using a hand-held device that is calibrated and certified in the same manner as blood alcohol units currently used in the state. An individual who may not be able to perform a field sobriety test due to physical infirmities or handicaps may be able to avoid the detention if the preliminary test indicates alcohol is not present in any quantity that would impair one's ability to drive. This test is also less threatening to an

individual than the field sobriety tests when the stop occurs in an individual's neighborhood or a very public area. The NH Police Chiefs, NH Liquor Enforcement, and the NH Fish and Game testified in support of this bill. Vote 12-0.

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

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

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

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

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

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

Amendment (1040h)

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

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

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

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

3 Ratification of the Bartlett School District Election and Meetings. Notwithstanding any provision of law to the contrary, all actions taken by the Bartlett School District in electing its officers on March 13, 2001, at the deliberative session held on March 20, 2001, and at the recessed

deliberative session held on April 5, 2001, shall not be invalidated due to lack of compliance with the warning and posting provisions of RSA 197:1-g, RSA 197:5, and RSA 197:7.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill inserts a definition of "school" into state law for the purpose of the universal service fund for schools and libraries. This bill also ratifies the school board meetings and elections for Mascoma Valley Regional school district and the Bartlett school district.

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

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

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

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

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

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

Referred to Finance.

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

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

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

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

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

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

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

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

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

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

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

Rep. Robert H. Rowe for Judiciary: This bill authorizes a method for the termination of small trusts, in this case, trusts having an asset value of \$50,000 or less. There are many small trusts, some established in the 19th and 20th century with a capital amount that may have been substantial at the time the trust was formed, but small now after the passage of time. Most of these trusts do not earn enough income to pay the trust expenses and are slowly being liquidated through the annual

trust management expenses. This bill provides a procedure for the termination of the trusts through a petition filed with the Probate Court. Since some are charitable trusts, the amended bill also mandates the continuing recognition of the trust in city and town records, as was recorded prior to the trust being terminated. The bill provides for a thorough notification of all interested parties by the Probate Court prior to the termination of the small trust. Vote 13-0.

Amendment (1056h)

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

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

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

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

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

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

Amendment (1026h)

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

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

I. If the possessory action was instituted on the basis of nonpayment of rent, and the defendant files a notice of intent to appeal, the defendant shall pay into court the current rent in an amount determined by the judgment of the court pursuant to RSA 540:14, I, weekly and in advance. Payment of rent for one week must be made at the time the defendant files notice of intent to appeal in the district court. Rent which had been payable on other than a weekly basis shall be paid to the court each week based on the equivalent weekly rent determined by the judgment issued by the court, pursuant to RSA 540:14, I. During the pendency of the appeal, rent is payable on a weekly basis and is due on the same day of the week on which the notice of intent to appeal was filed. If rent is not paid by the due date, the court shall immediately mail a notice of default to the tenant and

issue a writ of possession to the landlord. If, however, the tenant pays the clerk the entire amount of rent due since the filing of the notice of intent to appeal prior to the service of the writ by the sheriff, the writ of possession shall be recalled and the appeal shall be reinstated. Unless the appeal is reinstated, the district court shall vacate the appeal and award the plaintiff the rent money that has been paid into court. ~~[When the final decision on appeal is rendered, the money paid into court shall be apportioned between the plaintiff and the defendant, based on the amount of rent which is found to be due and owing as a result of the appeal.]~~

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

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

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

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

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

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

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

Amendment (1148h)

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

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

Amend the bill by replacing section 3 with the following:

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

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

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

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

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee removed by amendment the part of the bill that mirrored HB 232, which has already passed the House and Senate and awaits the Governor's signature. The remaining provisions of the bill deal with retirement issues. Vote 12-0.

Amendment (1157h)

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

AN ACT relative to disability retirement benefits and mental injury.

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

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

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

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

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

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

4 Effective Date.

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

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

AMENDED ANALYSIS

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

Referred to the Committee on Executive Departments and Administration.

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

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

Amendment (1007h)

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

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

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

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

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

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

AMENDED ANALYSIS

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

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

Rep. Earle Goodwin for Municipal and County Government: This bill gives a register of deeds statutory authority to refuse any document not conforming to their standards, and at the same time

provides the flexibility for individual registers to write their own guidelines. The NH Register of Deeds Association has spent three years addressing the document rejection problem and solutions which are being proposed on a national level. This legislation may solve this problem in the state of New Hampshire . Vote 15-0

Amendment (1140h)

Amend the bill by replacing section 1 with the following:

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

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

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

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

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

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

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

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

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

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

Amendment (1146h)

Amend the bill by replacing section 1 with the following:

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

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

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

Rep. Pierre W. Bruno for Resources, Recreation and Development: SB 33, an act relative to the definition of a "campsite", makes a technical correction to statutory provisions that causes any property owner having more than two (2) tents or recreational vehicles on their property to fall under state regulations and rules for campground owners. Last Session, legislation regarding campsites at campgrounds was passed that inadvertently made statutory campgrounds of any property having any combination of tents or RVs greater than two (2). For example, under current statute, if you have three tents in your backyard, your private property is statutorily defined as a campground. This legislation simply corrects that oversight by recognizing that campgrounds are a business enterprise and charge a fee in exchange for the land parcel that is rented to the camper. Vote 14-2.

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

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

regular calendar

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

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

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

Majority report adopted.

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

Rep. Robert K. Dodge for Executive Departments and Administration: The majority of the committee voted to grant a supplemental allowance, or COLA, to retired firefighters in the retirement system who retired on or before July 1, 1994. The minority of the committee contends that the reason no excess COLA's were paid prior to 1994 was due to a choice made by the firefighters between medical benefits and COLA's in those years. However, the majority of the committee, after reviewing the circumstances, determined that due to the inequitable compensation paid to firefighters during this time period, as evidenced by COLA comparisons between police and firefighters between the years of 1991 to 1996, (9.75% firefighters, 23.5% police) suggested that a one time increase in the legislation was merited. Since there were previously no funds available in the special reserve fund to pay a COLA due to the 125% rule, the majority of the committee felt that now that funds are available we should grant to these retirees a cost of living adjustment that they deserve. Vote 13-5.

Adopted.

Referred to Finance.

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

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

Amendment (0753h)

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

AN ACT establishing a commission on the status of men.

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

AMENDED ANALYSIS

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

Adopted.

Report adopted and ordered to third reading.

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

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

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

What was troubling to the Majority was that this new State Program could supplant the responsibility municipalities have statutorily assumed to provide general assistance to the needy. This new State Program would contradict the intent of SB 1 of the 1985 session which was a negotiated commitment between the municipalities, counties and the state on who pays for certain social services. Prior to SB 1 being enacted, municipalities were responsible for all general welfare assistance, aid to the permanently and totally disabled (APTD), nursing home care and juvenile costs for one year. In exchange for municipalities fully being responsible for general assistance, the county and state starting being liable for APTD, nursing home care and juvenile costs from day one. This bill, in essence, proposes that the state take back that responsibility. At the very least, it would

create confusion about who should provide assistance and it would also create the need for all kinds of checking to avoid double dipping. This new State program would also provide funds for overdue rent payments, utility bills and car repairs, overlapping services now provided by other state resources. The Department of Health and Human Services currently provides \$1.3 million per year for temporary assistance. The just passed budget includes over \$850,000 in additional funds over the biennium for homeless shelters. In addition, a new fund has been created, providing over \$10.9 million per year for electric utility costs for low-income families.

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

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

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

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

The amendment, while retaining the policy language, removes both the section which establishes legislative intent and, most important, the language which calls for the state to match one state dollar against every three private dollars donated for the purpose of preventing homelessness, up to a maximum of \$1 million state dollars, thereby creating a \$4 million fund.

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

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

It is not reasonable to expect our 234 cities and towns to be able to create 234 separate programs to attract significant private dollars. The House can be penny wise, oppose the OTPA recommendation and approve this legislation as it came to Finance from the policy committee, or it can be pound

foolish and approve this amendment, leaving the towns and cities to deal with the problem once people become homeless at a much greater financial and social cost.

Amendment (1058h)

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

AN ACT relative to the homeless prevention fund.

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

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

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

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

(b) There is a minor child or children.

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

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

AMENDED ANALYSIS

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

Reps. Marjorie Smith and Potter spoke against and yielded to questions.

Reps. Rogers Johnson and Wendelboe spoke in favor.

A roll call was requested, sufficiently seconded.

The question being adoption of the majority amendment.

YEAS 193 NAYS 155

YEAS 193

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Holbrook, Robert
Lawton, David	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley
Sullivan, P Judith			

CHESHIRE

Avery, Stephen	Dexter, Judson	Edwards, Dana	Fairbanks, Chandler
Hunt, John	Liebl, George	Roberts, William	Royce, H Charles
Smith, Edwin			

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Rozek, Michael	Stohl, Eric	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Cobb, John
Dudley, Terri	Gabler, William	Gilman, G Michael	Giuda, Robert
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Ward, Brien			

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bouldin, Michael	Bragdon, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Desrosiers, William	Dionne, Kimberley	Drisko, Richard	Dyer, Merton
Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard

Ford, Nancy	Gargas, Carolyn	Gleneck, David	Golding, William
Gonzalez, Carlos	Goulet, Maurice	Greenberg, Gary	Guinta, Frank
Hall, Charles	Herman, Keith	Holden, Randolph	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	LaRose, Richard
McHugh, Claire	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Salts, Greg	Seibel, Christopher	Souza, Kathleen
Spiess, Paul	Tate, Joan	Thompson, Rob	Thulander, O Alan
Vaillancourt, Steve	Wheeler, Robert	White, Donald	

MERRIMACK

Anderson, Eric	Brewster, Richard	Colcord, J D	Cummings, Raymond
Dunne, Christopher	Fraser, Leo Jr	Hutchinson, John	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Leber, William	Maxfield, Roy
Poulin, David	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Camm, Kevin	Carson, Sharon	Case, Margaret
Chalbeck, Kevin	Clark, Vivian	Cooney, Richard	Corbin, Corey
Cox, Russell	Dalrymple, Janeen	Dodge, Robert	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Jeffrey
Gilbert, Karl	Giordano, Ronald	Griffin, Mary	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Packard, Sherman
Palermo, Diane	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Rausch, James	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Sloan, Stephen	Stone, Joseph	Stritch, C Donald
Varrell, Thomas	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell
Tsiros, William

Cossette, Larry
Twombly, James

McCarthy, Gerald
Woods, Phyllis

Musler, George

SULLIVAN

Jones, Constance

Odell, Bob

Rodeschin, Beverly

NAYS 155

BELKNAP

Johnson, William
Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

CARROLL

None

CHESHIRE

Allen, Peter
Emerson, Susan
Meador, David
Weed, Charles

Batchelder, Robert
Espieffs, Peter
Mitchell, McKim
Zerba, Roger

Burnham, Daniel
Manning, Joseph
Pratt, John

DePecol, Benjamin
McGuirk, Paul
Richardson, Barbara

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

Rodrigue, Robert

GRAFTON

Almy, Susan
Naro, Debra
Sokol, Hilda

Benn, Bernard
Nordgren, Sharon
Solow, Martha

Cooney, Mary
Pawlek, Marion
Williams, Burton

Lovett, Sid
Scovner, Nancy

HILLSBOROUGH

Andosca, Mary
Buckley, Raymond
Craig, James

Baroody, Benjamin
Clemons, Jane
Daigle, Robert

Bellavance, Paul
Cote, David
Dokmo, Cynthia

Bergin, Peter
Cote, Peter
Drabinowicz, A Theresa

Eaton, Richard	Flora, Kathleen	Foster, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Jean, Claudette
Johnson, Lionel	Kacavas, John	Keye, Harvey	Konys, Christine
Lasky, Bette	Leach, Edward	Lefebvre, Roland	Leishman, Peter
Lynde, Harold	Martin, Mary Ellen	McDonough-Wallace, Alice	Melcher, Harold
Movsesian, Lori	Palangas, Eric	Panagopoulos, Nicholas	Peterson, Andrew
Schulze, Joan	Shaw, Barbara	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Clarke, Claire	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Marilyn	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
MacKay, James	Moore, Carol	Owen, Derek	Perkins, Randy
Potter, Frances	Reardon, Tara	Rodd, Beth	Rush, Deanna
Seldin, Gloria	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Gleason, John
Hamel, Albert	Kane, Cecelia	Kelley, Jane	Langley, Jane
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl
Shultis, Elizabeth	Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Knowles, William
Pelletier, Arthur	Proulx, Raymond	Reid, Christopher	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Wall, Janet	Woodill, Rodney		

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Ferland, Brenda

Harris, Joseph

Harris, Sandra

Phinizy, James

and the majority amendment was adopted.

Majority report adopted and ordered to third reading.

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

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

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

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

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

Amendment (1042h)

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

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

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

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

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

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

AMENDED ANALYSIS

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

Majority amendment adopted.

Rep. Pilliod spoke against.

Reps. Dalrymple and Batula spoke in favor.

Majority report adopted and ordered to third reading.

Rep. Kacavas declared a conflict of interest and did not vote.

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

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

Rep. Bergin moved Recommit to committee, spoke in favor and yielded to questions.

Rep. Mock spoke against.

On a division vote, 130 members having voted in the affirmative and 217 in the negative, the motion failed.

Report adopted.

Rep. Reid filed a conflict of interest and did not participate.

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

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

Adopted and ordered to third reading.

bill removed from consent calendar

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

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

Rep. Hunt moved Recommit to committee and spoke in favor.

Adopted and recommitted to Commerce.

suspension of the rules

Reps. Scanlan and Burling moved that House Rules be so far suspended as to permit the deadline of Friday, May 25, 2001, the last day to sign-off all supplemental bills, to be moved to Friday, June 8, 2001 at 3:00 p.m.

Adopted by the necessary two-thirds.

senate messages

requests concurrence with amendments

HB 142, establishing a committee to study encryption of confidential information. (Amendments printed in SJ 7, 3/29/01)

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

Adopted.

HB 143, establishing a committee to address the problem created by the shortage of health care personnel and support staff in New Hampshire. (Amendment printed in SJ 7, 3/29/01)

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

Adopted.

HB 433, clarifying the duties of the oversight committee on health and human services. (Amendment printed in SJ 7, 3/29/01)

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

Adopted.

HB 230, relative to scheduled permanent impairment awards under the workers' compensation law. (Amendment printed in SJ 7, 3/29/01)

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

Adopted.

HB 107, naming a certain bridge in the town of Milford and naming the LaMott Wing at the Glencliff Home for the Elderly. (Amendment printed in SJ 9, 4/12/01)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

HB 369, relative to driving in highway construction and maintenance areas and utility work areas. (Amendment printed in SJ 11, 5/01/01)

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

Adopted.

HB 367-L, relative to the establishment of a town forest in the town of Randolph and relative to property of preexisting school districts. (Amendment printed in SJ 10, 4/19/01)

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

Adopted.

HB 238, relative to interstate banking. (Amendment printed in SJ 7, 03/29/01)

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

Adopted.

The Speaker appointed Reps. Hunt, Leo Fraser, Marshall and Tara Reardon.

HB 240, requiring the department of health and human services to develop a plan reducing the number of persons awaiting certain services for developmental disabilities. (Amendment printed in SJ 7, 03/29/01)

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

Adopted.

The Speaker appointed Reps. Batula, Burnham, Manning and Seldin.

RESOLUTION

Rep. Scanlan 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 Thursday, May 24, 2001 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 469-FN-L, relative to the applicable minimum wage for hourly employees.

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

SB 57, relative to the economic development matching grants program.

SB 25, relative to preliminary breath tests.

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

SB 44, relative to false academic documentation.

SB 14, relative to the definition of "school" for the purpose of the universal service fund for schools and libraries and ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett school districts.

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

SB 92, relative to the distribution of special education funds.

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

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

SB 37, extending the reporting date for the committee studying prescription drug access.

SB 150, relative to community services for persons with developmental disabilities.

SB 18, relative to termination of small trusts.

SB 20, relative to possessory actions instituted on the basis of nonpayment of rent.

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

SB 61, establishing a procedure for summary administration of estates.

SB 63, relative to administration of estates and filing of wills by executors.

HB 162-FN-L, ratifying the school board meetings and elections for Mascoma Valley Regional and Bartlett School Districts.

HB 498, relative to standards for records filed with a registry of deeds.

SB 23-L, relative to the amount of interest on late paid property taxes which may be waived by the tax collector.

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

SB 85, relative to collateralization of municipal trust funds.

SB 169-FN, relative to the procedure for appeal of a timber yield tax assessment and relative to the notice of intent to cut.

SB 33, relative to the definition of "campsite".

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

HB 587-FN-A, establishing a commission on the status of men.

HB 658-FN-A, relative to the homeless prevention fund.

SB 42, relative to charges for access to medical records.

SB 35, relative to a term for the chief justice of the supreme court.

RECESS MOTION

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

Adopted.

The House recessed at 12:30 p.m.

RECESS