

HOUSE RECORD

Second Year of the 157th Session of the General
Court

Calendar and Journal of the 2002 Session

Vol. 24

Concord N.H.

January 10, 2002

No. 7

HOUSE JOURNAL No. 1 (cont.)

(January 2, 2002)

RECESS

(Rep. Francoeur in the Chair)

RESOLUTION

Rep. Stritch offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1407 and 1408, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1407, relative to the definition of property in planning and zoning laws, and allowing planning and zoning boards to require public notice by posting signs for hearings on the property. (N. Johnson, Straf 5; Gilmore, Straf 11; McCarthy, Straf 3: Municipal and County Government)

HB 1408, relative to local ordinances regulating truancy. (Taylor, Straf 11: Children and Family Law)

RECESS

(Rep Mock in the Chair)

RESOLUTION

Rep. Loren Jean offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1409 and 1410, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1409-FN-A-L, relative to payment of autopsy expenses and making an appropriation therefor. (Pilliod, Belk 3; Hager, Merr 18; Cox, Rock 24; Millham, Belk 4; Drisko, Hills 22; Wheeler, Dist 21: Finance)

HB 1410-L, permitting the city of Dover to hold a municipal election in conjunction with the 2002 biennial election. (Gilmore, Straf 11; P. Woods, Straf 11; A. Pelletier, Straf 12; Knowles, Straf 11; Reid, Straf 12; Wheeler, Dist 21: Municipal and County Government)

RECESS

(Rep. Burling in the Chair)

RESOLUTION

Rep. Cecelia Kane offered the following: RESOLVED, that their late drafting and introduction having been approved by the Rules committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1411 and 1412, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1411-FN-A, transferring funds from 2 capital accounts to the judicial branch for district court security implementation period funding. (Chandler, Carr 1; Mock, Carr 3; J. Pratt, Ches. 2; Kurk, Hills. 5; Below, Dist 5: Public Works and Highways)

HB 1412-FN, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Wendelboe, Belk 2; P. Woods, Straf 11; Itse, Rock 11; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

RECESS

Rep. Scanlan moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 2

(January 10, 2002)

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

Prayer was offered by House Chaplain, The Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Blessed Creator, at the very beginning You said, "Let there be light," and it was so. We humbly ask that You further the work of this honorable House with the gift of Your light, so that each representative may see new solutions to the complex problems that demand their attention. In all the work accomplished today, may the citizens of our beloved New Hampshire be mindful of the sacrifices of many who protect our freedom, and may each of us serve as lights of hope to those in darkness.

As always, we ask that Your protection be with those who serve our country and who are in harm's way today. Amen.

Rep. Priscilla Lockwood led the Pledge of Allegiance.

The National Anthem was sung by Bethany LaBrecque, a student from John Stark High School in Weare.

LEAVES OF ABSENCE

Reps. Chabot, DePecol, Keye, Lent, Pilliod, Schulze, Stohl, Whittemore and Yeaton, the day, illness.

Reps. Belanger, Marilyn Fraser, Jeffrey Gilbert, Hopper, Moran, O'Keefe, Marsha Pelletier, Perkins, Irene Pratt, Priestly, Rodrigue, Salatiello, Seldin, Tholl, Tsiros and Woodward, the day, important business.

Reps. Dalrymple, Dyer and Flint, the day, illness in the family.

INTRODUCTION OF GUESTS

Concord police officer Mario Messina, guest of Rep. Emerson. Leadership Greater Manchester, Class of 2002, guests of the House.

REGULAR CALENDAR

HB 179-FN, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Children and Family Law: This bill permits 17-year-old juvenile delinquents to receive services provided to other minor children. It also permits them to become residents of the Youth Development Center rather than in the county jail. Vote 14-1.

Amendment (1968h)

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

AN ACT including 17 year olds under RSA 169-B, the juvenile delinquency statute.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect July 1, 2004.

AMENDED ANALYSIS

This bill changes the scope of RSA 169-B and related juvenile delinquency laws to include 17 year olds.

The bill defines a minor, for purposes of RSA 169-B, as a person under the age of 18, and a delinquent as a person who committed an offense before reaching the age of 18.

Adopted.

Report adopted and referred to Finance.

SB 26, relative to probate court procedures regarding adoptions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS**

Rep. Daniel C. Itse for the Majority of Children and Family Law: This bill ensures that minor parents relinquishing children for adoption shall be apprised by the Division of Children, Youth and Families or a child-placing agency as to the availability of counseling. It also allows the court to waive court fees for hardship and exempts the Department of Health and Human Services from court fees. Vote 9-7.

Rep. David A. Bickford for the Minority of Children and Family Law: The original bill gave minor fathers the same benefits as minor mothers are provided in adoption cases. The bill as amended continues to allow the court to have the option of requiring the consent of the mothers' parents, but not the father's. The minority believes that the parental consent issue should apply to both genders equally.

Amendment (2032h)

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

Amend the bill by replacing section 5 with the following:

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

AMENDED ANALYSIS

This bill requires a parent who relinquishes parental rights to be informed of counseling services offered by licensed child-placing agencies by the department of health and human services or a child-placing agency and to file an affidavit with the court stating that such parent was informed of counseling services available through child-placing agencies.

This bill also removes the exemption for child-placing agencies from paying entry fees and certain court costs in adoption and termination of parental rights cases. The bill states that entry fees and court costs will be paid by the petitioner, unless the court waives entry fees and court costs due to hardship.

Rep. Dowling spoke against.

Amendment failed.

The question being Ought to Pass.

Adopted and ordered to third reading.

HB 668, prohibiting the use of genetic testing for certain insurance purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce: The amendment changes the definition of a genetic test to the current state of the science. The amendment also requires that "An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience." The effect of this language will require the Insurance Department to investigate any consumer complaint about the use of genetic testing. Currently no insurance companies use any genetic test. Vote 17-0.

Amendment (1975h)

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

AN ACT relative to genetic testing.

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

1 Definition; Genetic Testing. RSA 141-H:1, IV is repealed and reenacted to read as follows:

IV. "Genetic testing" means: laboratory testing of human DNA, RNA, mitochondrial DNA, chromosomes or proteins for the purpose of identifying genes, inherited genes, inherited genetic abnormalities, or the presence or absence of inherited characteristics in genetic material, which are associated with a predisposition to disease, illness, impairment or other disease processes. For the purpose of this section, the term genetic testing shall not include testing given for drugs, alcohol, cholesterol, or HIV; any test for the purpose of diagnosing an existing disease process; any test performed due to the presence of symptoms, signs or other manifestations of a disease, illness, impairment or other disease process or any test that is taken as a biopsy, autopsy, or clinical specimen solely for the purpose of conducting an immediate clinical or diagnostic test that is not a test of DNA, RNA, mitochondrial DNA, chromosomes or proteins.

2 New Paragraph; Use of Genetic Testing by Insurers. Amend RSA 141-H:5 by inserting after paragraph II the following new paragraph:

III. An insurer shall not use genetic testing or any information derived from a genetic test, unless such use is based on sound actuarial principles and actual or reasonably anticipated loss experience.

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

AMENDED ANALYSIS

This bill changes the definition of genetic testing and limits the use of genetic testing by insurers.

Adopted.

Report adopted and ordered to third reading.

HB 672, relative to coverage for mental and nervous conditions. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce: This bill makes needed changes to the mental health insurance laws. The bill resulted from a legislative study committee, chaired by Rep. Sheila Francoeur, which met during the summer of 2000. The study committee met numerous times and identified several problems, which affect consumers' access to mental health and alcohol and other drug insurance benefits. HB 672 was introduced in January 2001 to try and address these problems. In order to review all of the issues, the Commerce Committee re-committed the bill and a sub-committee worked on it throughout this summer and fall. The committee has worked hard to craft consensus legislation that will benefit consumers without causing financial stress to insurers and their subscribers. Specifically, the bill expands the current mental health parity law (RSA 417-E: 1, III) to include anorexia nervosa, bulimia nervosa, and chronic post-traumatic stress disorder. A parity diagnosis under this chapter is recognized by professionals, and in the law, as "a clinically significant or psychological syndrome or pattern that occurs in a person and that is associated with present distress, a painful symptom or disability; impairment in one or more important areas of functioning; or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom." For these diagnoses, insurers must provide the same financial benefits as they would for "physical" illness under the plan. The bill also requires that insurers provide chemical dependency benefits (both in and out patient) to all subscribers. The insurers are able to design these benefits. To accommodate the need for adequate providers of services, the bill adds licensed alcohol and drug counselors as service providers for chemical dependency benefits. It has been left up to the insurance companies to determine the specific benefits they will offer, but they must cover both detoxification

and rehabilitation. Finally, this bill clarifies the definition of mental illness as a diagnosis from the DSM-IV, which is the standard manual used by mental health professionals to diagnose and treat patients. Insurers are required to provide services for all diagnoses contained in the DSM-IV (with some exceptions noted in the bill). Specifically anorexia and bulimia as well as chronic posttraumatic syndrome has been added to the list. Vote 17-0.

Amendment (2021h)

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

AN ACT relative to insurance coverage for mental and nervous conditions and for treatment for chemical dependency.

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

1 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Accident and Health. RSA 415:18-a is repealed and reenacted to read as follows:

415:18-a Coverage for Mental or Nervous Conditions and Treatment for Chemical Dependency Required.

I.(a) Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; and
- (8) Licensed clinical social workers

are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders.

(b) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III and IV.

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

II. In the case of policies or certificates providing benefits for hospital expenses on other than a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders based upon confinement in a licensed or accredited general hospital, including psychiatric inpatient facilities included under the license of such a hospital, shall be at least as favorable as benefits provided for any other illness in such a hospital. Benefits based upon confinement in a public mental hospital shall be at least as favorable as benefits provided for confinement in a licensed or accredited general hospital.

III. In the case of policies or certificates providing benefits for medical expenses on other than a major medical basis:

(a) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services of a psychiatrist, licensed psychologist, licensed pastoral psychotherapist, psychiatric/mental health advanced registered nurse practitioner, licensed clinical mental health counselors, licensed marriage and family therapist, or licensed clinical social worker who customarily bills patients directly shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced registered nurse practitioners;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; or
- (8) Licensed clinical social workers

shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(b) Each insurer, including health maintenance organizations contemplated under RSA 420-B and self-insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for

services rendered at a community mental health center or psychiatric residential program approved by the department of health and human services. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(c) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services rendered at a public mental hospital shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such a hospital shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(d) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services under this paragraph need not be provided for the first or second visit providing such a limitation applies in the case of services for other illnesses. Benefits for outpatient treatment may be otherwise limited to not less than 15 full hours of treatment in any consecutive 12-month period.

IV.(a) In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual.

(b) In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by:

- (1) A psychiatrist;
- (2) A licensed psychologist;
- (3) A licensed pastoral psychotherapist;
- (4) A psychiatric/mental health advanced registered nurse practitioner;
- (5) A licensed clinical mental health counselor;
- (6) A licensed alcohol and drug counselor;
- (7) A licensed marriage and family therapist;
- (8) A licensed clinical social worker;
- (9) A licensed general hospital;

(10) A public or licensed mental hospital; or

(11) A community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a licensed clinical social worker.

V. In this section:

(a) "Psychiatrist" means a licensed physician who is board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology.

(b) "Psychologist" means a person who:

(1) Is licensed under RSA 330-A as a psychologist;

(2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 330-A; or

(3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

(d) "Psychiatric/mental health advanced registered nurse practitioner" means an individual who is licensed as an advanced registered nurse practitioner in psychiatric mental health nursing under RSA 326-B:10, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

(e) "Licensed clinical social worker" means an individual who is licensed as a clinical social worker under RSA 330-A:18.

(f) "Licensed clinical mental health counselor" means an individual who is licensed as a clinical mental health counselor under RSA 330-A:19.

(g) "Licensed marriage and family therapist" means an individual who is licensed as a marriage and family therapist under RSA 330-A:21.

(h) "Licensed alcohol and drug counselor" means an individual who is licensed as an alcohol and drug counselor under RSA 330-C and is practicing solely within the scope of practice of a licensed alcohol and drug counselor.

(i) "Mental or nervous conditions" or "mental illness and emotional disorders" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency, including alcoholism.

VI. No services provided by a licensed pastoral psychotherapist to a member of his congregation in the course of the duties to which he has been called as a pastor, minister or staff person shall be covered under the provisions of this chapter. This limitation shall not apply to those licensed pastoral psychotherapists serving specifically and only as private, part-time consultants in pastoral psychotherapy to a parish under contract or otherwise for the purpose of providing services to individuals as a licensed pastoral psychotherapist. Nothing in this chapter shall be construed as allowing a parish, church or temple to provide religious ministrations to their parishioners or members under the provisions of this chapter which would normally be the responsibility of the clergy, religious or other religious staff duly called and employed by such congregations.

VII. No group policy or certificate subject to RSA 415:18-a issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

2 Coverage for Mental and Nervous Conditions; Coverage for Treatment for Chemical Dependency; Health Maintenance Organizations. Amend RSA 420-B:8-b to read as follows:

420-B:8-b Health Maintenance Organization Benefits for Mental and Nervous Conditions and Treatment for Chemical Dependency.

I.(a) Benefits for mental or nervous conditions shall conform to the requirements of RSA 415:18-a or alternatively with the basic health services requirements of the Health Maintenance Organization Act of 1973 (P.L. 93-222), any amendments, and federal regulations issued under the authority of such federal law. However, where a health maintenance organization provides these alternative benefits, such benefits shall not be subject to any deductible. The coinsurance required by the enrolled participant shall not exceed 20 percent of the reasonable and customary charge for the services provided.

(b) In addition to the requirements of subparagraph (a), every health maintenance organization offering such benefits shall provide to its subscribers a list of psychiatrists and mental health care providers within the organization's network. The health maintenance organization shall allow its subscribers 2 visits for diagnosis followed by up to 3 treatment visits in each contract year. Subsequent visits within the contract year may be subject to utilization review. The policy shall also include a statement that a primary care physician may refer an enrolled participant to a psychiatrist or other mental health care provider within the organization's network. There shall be no economic penalty to the primary care physician for such a referral.

II. No evidence of coverage, or amendment thereto, issued, renewed or continued on or after January 1, 1993, shall contain any provision denying insurance benefits for psychiatric or psychological services, including psychological examinations, solely because they are rendered to an insured or a dependent in compliance with the lawful order of any court of this state. Benefits for such services shall be as favorable as for other psychiatric or psychological services, including psychological examinations, and shall be subject to the same dollar limits, deductibles, co-payments and co-insurance factors and to terms and conditions of the policy or certificate, including any managed care provisions.

III. Coverage shall be provided for expenses arising from treatment for chemical dependency, including alcoholism. Coverage shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

IV. "Mental and nervous conditions" shall be defined as mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency including alcoholism.

3 Mental Illnesses Covered. Amend RSA 417-E:1, III to read as follows:

III. The following mental illnesses, as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders published by the American Psychiatric Association, shall be covered under this section:

- (a) Schizophrenia **and other psychotic disorders.**
- (b) Schizoaffective disorder.
- (c) Major depressive disorder.
- (d) Bipolar disorder.
- (e) ~~[Paranoia and other psychotic disorders]~~ **Anorexia nervosa and bulimia nervosa.**
- (f) Obsessive-compulsive disorder.
- (g) Panic disorder.
- (h) Pervasive developmental disorder or autism.
- (i) Chronic post-traumatic stress disorder.**

4 Effective Date. This act shall take effect January 1, 2003.

AMENDED ANALYSIS

This bill revises the laws relative to insurance coverage for mental and nervous conditions. The bill also requires insurance coverage for treatment for chemical dependency.

Reps. Rosen and Giuda spoke against.

Rep. Hunt spoke in favor.

Adopted.

Rep. Giuda spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Rep. William Kelley requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 268 NAYS 78

YEAS 268

BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Johnson, William
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Wendelboe, Fran	Wood, Jane		

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Quimby, Lee
Stevens, Stanley			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Emerson, Susan	Espieffs, Peter	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Royce, H Charles	Slack, Pamela Russell	Smith, Edwin
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Guay, Lawrence	Horton, Lynn	Landers, Dana
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Mears, Edgar

Pratt, Leighton

GRAFTON

Akins, Ralph

Alger, John

Almy, Susan

Barker, Robert

Benn, Bernard

Cooney, Mary

Gabler, William

Ham, Bonnie

Lovett, Sid

Marshall, Gene

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scanlan, David

Scovner, Nancy

Sokol, Hilda

Solow, Martha

Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Andosca, Mary

Artz, Lawrence

Balcom, John

Baroody, Benjamin

Batula, Peter

Bellavance, Paul

Bergin, Peter

Bouchard, David

Brundige, Robert

Buckley, Raymond

Calawa, Leon Jr

Cardin, Lori

Carlson, Donald

Clayton, William

Clegg, Robert Jr

Clemons, Jane

Cote, David

Craig, James

Daigle, Robert

Dionne, David

Dokmo, Cynthia

Drabinowicz, A Theresa

Drisko, Richard

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Fletcher, Richard

Ford, Nancy

Foster, Linda

Furman, Christine

Gargas, Carolyn

Ginsburg, Ruth

Golding, William

Goley, Jeffrey

Gonzalez, Carlos

Gorman, Mary

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Betty

Herman, Keith

Jean, Claudette

Johnson, Lionel

Kacavas, John

Konys, Christine

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

Lasky, Bette

Leach, Edward

Leishman, Peter

Lessard, Rudy

Martel, Andre

Martin, Mary Ellen

McDonough-Wallace,
Alice

Melcher, Harold

Mercer, Robert

Messier, Irene

Milligan, Robert

Movsesian, Lori

Murphy, Robert

O'Connell, Timothy

Palangas, Eric

Panagopoulos, Nicholas

Pappas, Marc

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Sargent, Maxwell

Seibel, Christopher

Spiess, Paul

Sullivan, Peter

Sweeney, Cynthia

Thulander, O Alan

Vaillancourt, Steve

White, John

Williams, Carol

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Feuerstein, Martin	Fraser, Leo Jr	French, Barbara	Gile, Mary
Hager, Elizabeth	Hess, David	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Leber, William	MacKay, James	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rush, Deanna	Wallner, Mary Jane	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Bridle, Russell
Carson, Sharon	Case, Margaret	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Giordano, Ronald	Griffin, Mary	Hamel, Albert
Holland, James Jr	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McGuire, Robert
McKinney, Betsy	Micklon, Stephanie	Morse, Charles	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Rausch, James	Robertson, Carl	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jacquelyne
Welch, David	Whittier, John		

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris
Goodwin, Earle	Grassie, Anne	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Kaen, Naida	Knowles, William	McCarthy, Gerald
Musler, George	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
Franklin, Peter	Harris, Joseph	Harris, Sandra	Jones, Constance
Leone, Richard	Odell, Bob	Phinizy, James	Rodeschin, Beverly

NAYS 78

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Lawton, David
Rice, Thomas Jr	Rosen, Ralph		

CARROLL

Philbrick, Donald	Sullivan, P Judith	Torressen, Gary
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CHESHIRE

None

COOS

Gallus, John	Rozek, Michael
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GRAFTON

Cobb, John	Dudley, Terri	Giuda, Robert	Mirski, Paul
Sova, Charles			

HILLSBOROUGH

Arnold, Thomas Jr	Balboni, Michael	Bergeron, Jean-Guy	Bruno, Pierre
Christensen, D L Chris	Cote, Peter	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Eaton, Richard	Gleneck, David	Hall, Charles
Holden, Randolph	Jean, Loren	Lefebvre, Roland	McHugh, Claire
Salts, Greg	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Wheeler, Robert	White, Donald	

MERRIMACK

Brewster, Richard	Dunne, Christopher	Greco, Vincent	Kennedy, Richard
Langer, Ray	Lockwood, Priscilla	Maxfield, Roy	Swindlehurst, John
Winter, Steven			

ROCKINGHAM

Bishop, Franklin	Camm, Kevin	Chalbeck, Kevin	Clark, Vivian
Corbin, Corey	Dumaine, Dudley	Fesh, Bob	Gilbert, Karl
Henderson, Warren	Hill, Jonathan	Hutchinson, Karen	Itse, Daniel
Johnson, Rogers	Kelley, William	Moore, Benjamin	Packard, Sherman
Palermo, Diane	Quandt, Matthew	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Stone, Joseph	Trueman, Raymond	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Brown, Julie	Ferland, Paul	Twombly, James
Woods, Phyllis			

SULLIVAN

None

And the report was adopted.

Referred to Finance.

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

HB 713-FN, addressing public health issues relative to indoor smoking. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen G. Avery for the Majority of Commerce: The committee felt strongly that while most members didn't patronize restaurants that allowed smoking, it was not the business of the legislature to mandate a business choice of this magnitude. Under the current law, any New Hampshire community can already have smoking ordinances. The bill attempts to take a step towards banning all smoking in restaurants by creating unenforceable regulations in hope that some restaurants will give up in attempting to comply and choose to go smoke free. The committee agrees with the sponsors that it is good business for restaurants to go smoke free, we just do not agree that the heavy hand of government is necessary. The bill, if passed, would require a ventilation system that is impossible to ensure if it is in compliance. But then exempts historic buildings from this regulation. By removing the 50 seat exemption from the current law, all but guarantees that small local diners will loose their clientele to larger restaurants and will ultimately close their doors for good. The issue of restaurant employees inhaling second hand smoke has always been treated as an

employer and labor issue, and some restaurants have chosen to go smoke free for that reason. Restaurant owners obviously want their employees and their customers to be happy and to return, so it is in the best interest of the owners to address this issue without legislation. The committee supports the work of the lung association in its efforts to get restaurants to make no smoking decisions on their own and praise the lung association for their publication of a list of non-smoking restaurants in New Hampshire. Vote 13-4.

Rep. Martha Fuller Clark for the Minority of Commerce: This bill seeks to ban smoking in the dining area of all restaurants. It will allow smoking in the cocktail lounge, provided that this area is separately enclosed and has an independent ventilation system that exhausts air directly outside, rather than a ventilation system that simply filters and recirculates the air. Everyone knows that the attempt to segregate restaurant non-smoking areas from smoking areas, as required under the Current Indoor Smoking Act, is not working. Under HB 713, restaurants must either become 100% smoke-free OR they must construct floor to ceiling walls surrounding the cocktail lounge area and install a separate ventilation system that exhausts air to the outside for that particular area. The choice is theirs. Compliance is required by January 2003. Under the current Indoor Smoking Act, smoking is already prohibited in public educational facilities; childcare agencies; hospitals and other acute care facilities; grocery stores; elevators, tramways, gondolas; and public conveyances. (RSA §155:67 III-VII), as well as regulating restaurants regarding smoking areas and non-smoking areas. In the interest of public health HB 713 extends the prohibition of smoking to all dining areas of restaurants. To those who may believe that we should not be regulating restaurant businesses, it is important to note that both the state and federal government already regulate many other aspects of public health within a restaurant environment. Such regulations involve food handling and sanitary requirements for employees, including regulations as to how food is stored and prepared, as well as requiring employees to wear hairnets or having their hair tied back and to wash their hands after using the restroom. It is also important to note that requiring restaurants to be smoke-free does not hurt business. Many studies have been done on this issue. The studies have shown that business for smoke-free restaurants has, in many instances, increased. States that require all restaurants to be smoke-free include our very own neighbors, Maine and Vermont, as well as Utah and California. Current states with local smoke-free ordinances in effect for certain towns and cities are Colorado, Arizona, New York, Alaska, Georgia, Maryland, Massachusetts, Montana, North Carolina, Ohio, Oregon, Texas, Alabama, New Jersey, New Mexico, Rhode Island, Wisconsin, Minnesota, West Virginia and New Hampshire. The key issue addressed by HB 713 is that recent research unequivocally demonstrates that second hand-smoke is much more dangerous and pernicious than previously believed. The office of the U.S. Surgeon General, the National Heart, Lung and Blood Institute, the American Medical Association, the Centers for Disease Control and Prevention (CDC), and former U. S. surgeon General C. Everett Koop have all recognized and testified to the detrimental health effects of second-hand smoke. While non-smoking restaurant patrons, including children, may be exposed to second-hand smoke for an hour or two, non-smoking restaurant employees are exposed to it for their entire shift. Smoke contains carcinogens that are known to cause cancer. While we are only beginning to realize the full extent of the dangers of second-hand smoke, there is clearly enough evidence to show that it can aggravate such common conditions as asthma and other allergies. Second-hand smoke may be more harmful because the non-smoker does not have the minimal benefit that the cigarette filter provides the actual smoker. The fact is that there is no safe level of exposure to cigarette smoke. Passage of HB 713 will protect the health of both restaurant workers and restaurant patrons, and potentially save millions of dollars that are currently spent treating patients who suffer the ills of smoking and the ill effects of being exposed to second-hand smoke.

Reps. Nordgren, Leishman and Bergin spoke against and yielded to questions.

Reps. Avery, Sweeney and Hunt spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being adoption of the majority committee report.

YEAS 234 NAYS 120

YEAS 234

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Lawton, David
Rice, Thomas Jr	Russell, David	Thomas, John	Wendelboe, Fran

CARROLL

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

CHESHIRE

Avery, Stephen	Dexter, Judson	Emerson, Susan	Hunt, John
McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	

GRAFTON

Alger, John	Barker, Robert	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Giuda, Robert	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Scanlan, David	Sova, Charles
Teschner, Douglass	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Christensen, D L Chris	Clegg, Robert Jr	Clemons, Jane
Cote, Peter	Coughlin, Pamela	Craig, James	Desrosiers, William
Dionne, David	Dionne, Kimberley	Drabinowicz, A Theresa	Drisko, Richard
Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Foster, Linda	Furman, Christine	Gargas, Carolyn
Gleneck, David	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goulet, Maurice	Graham, John	Guinta, Frank	Herman, Keith
Holden, Randolph	Jean, Claudette	Jean, Loren	Johnson, Lionel
Kacavas, John	Kurk, Neal	LaFlamme, Paul	Lessard, Rudy
Martel, Andre	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Movsesian, Lori	O'Connell, Timothy	Panagopoulos, Nicholas
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Salts, Greg	Sargent, Maxwell	Seibel, Christopher	Shaw, Barbara
Souza, Kathleen	Sullivan, Peter	Sweeney, Cynthia	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	White, Donald

MERRIMACK

Anderson, Eric	Colcord, J D	Cummings, Raymond	Dunne, Christopher
Feuerstein, Martin	Fraser, Leo Jr	Hess, David	Kennedy, Richard
L'Heureux, Stephen	Langer, Ray	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Reardon, Tara	Soltani, Tony	Swindlehurst, John
Whalley, Michael	Winter, Steven		

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Vivian	Coes, Betsy	Cooney, Richard	Corbin, Corey
Cox, Russell	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Giordano, Ronald	Gleason, John	Griffin, Mary
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen

Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Power, Lucille
Putnam, Ed II	Quandt, Marshall	Quandt, Matthew	Rabideau, Marie
Rausch, James	Robertson, Carl	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	Berube, Roger	Bickford, David	Brown, Julie
Ferland, Paul	Gilmore, Gary	Heon, Richard	Hughes, Christopher
Johnson, Nancy	Knowles, William	McCarthy, Gerald	Musler, George
Proulx, Raymond	Reid, Christopher	Rollo, Michael	Taylor, Kathleen
Twombly, James	Wall, Janet	Woods, Phyllis	

SULLIVAN

Cloutier, John	Ferland, Brenda	Jones, Constance	Leone, Richard
Odell, Bob	Phinizy, James	Rodeschin, Beverly	

NAYS 120

BELKNAP

Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Wood, Jane
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CARROLL

Quimby, Lee	Stevens, Stanley	Torressen, Gary
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CHESHIRE

Allen, Peter	Batchelder, Robert	Edwards, Dana	Espieffs, Peter
Fairbanks, Chandler	Liebl, George	Manning, Joseph	Richardson, Barbara

Slack, Pamela Russell	Weed, Charles	Zerba, Roger
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COOS

Bradley, Paula	Rozek, Michael
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GRAFTON

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

HILLSBOROUGH

Andosca, Mary	Balcom, John	Bellavance, Paul	Bergin, Peter
Buckley, Raymond	Cardin, Lori	Carlson, Donald	Clayton, William
Cote, David	Daigle, Robert	Dokmo, Cynthia	Ford, Nancy
Ginsburg, Ruth	Golding, William	Greenberg, Gary	Hall, Betty
Hall, Charles	Konys, Christine	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Murphy, Robert
Palangas, Eric	Rowe, Robert	Spiess, Paul	Wheeler, Robert
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Crosby, Toni
Daneault, Gabriel	Davis, Frank	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hutchinson, John	Jacobson, Alf
Leber, William	Moore, Carol	Owen, Derek	Potter, Frances
Rodd, Beth	Rush, Deanna	Wallner, Mary Jane	

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha Fuller	Dearborn, Bruce	Gilbert, Karl
Hamel, Albert	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Palermo, Diane	Pantelakos, Laura	Pitts, Jacqueline	Shultis, Elizabeth

Splaine, James

Trueman, Raymond

Weatherspoon,
Jacquelyne

STRAFFORD

Brennan, William

Callaghan, Frank

Cossette, Larry

DeChane, Marlene

Dunlap, Patricia

Estabrook, Iris

Goodwin, Earle

Grassie, Anne

Kaen, Naida

Pelletier, Arthur

Smith, Marjorie

Snyder, Clair

Spang, Judith

Woodill, Rodney

SULLIVAN

Allison, David

Burling, Peter

Franklin, Peter

Harris, Joseph

Harris, Sandra

Robb, Amy

and the majority committee report was adopted.

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

HB 750-L, relative to the development and adoption of the school administrative unit budget.
REFER FOR INTERIM STUDY

Rep. Steven J. Winter for Education: During Executive Session, the committee decided that, even as amended, this bill still contained procedural questions and flaws which could be corrected by further study and re-write. Vote 9-7.

Adopted.

HB 225, relative to applications for recounts. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: While the committee recognizes that there is ambiguity in the law regarding the procedure for filing for a recount, the majority is concerned that this bill will, in solving one problem, create new problems. The secretary of state has interpreted present law to require that payment accompany the application for a recount. By allowing an application by fax (as this bill would do), followed by a check, this bill would create confusion in the secretary of state's office as to the intent of the candidate. It would also create confusion if "the check did not arrive". An unintended result of this bill could be the situation in which a candidate faxes in the request on Friday knowing that he or she can, for practical purposes, rethink the decision over the weekend. Given the tight timeframes of implementing recounts, including sending staff throughout the state to collect ballots, the majority believes this bill would create practical difficulties. Vote 9-8.

Rep. Rollo spoke against.

Rep. Teschner spoke in favor.

On a division vote, 236 members having voted in the affirmative and 116 in the negative, the report was adopted.

SB 141, relative to proof of qualifications for voter registration. **OUGHT TO PASS**

Rep. Robert E. Clegg, Jr. for Election Law: This bill requires proof of voter qualification be shown to supervisors of the checklist. The bill changes the word "may" to "shall" in existing statutes dealing with proof of qualification to vote in a community or ward. The majority of the committee, including some who served on the voter fraud study committee felt it was necessary to make the changes requested in this bill. Vote 11-7.

Rep. Panagopoulos spoke against and yielded to questions.

Rep. Arndt spoke in favor.

Rep. Reeves requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 233 NAYS 121

YEAS 233

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Lawton, David	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph	Russell, David
Thomas, John			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

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

COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
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Pratt, Leighton

Rozek, Michael

GRAFTON

Akins, Ralph

Alger, John

Barker, Robert

Cobb, John

Dudley, Terri

Eaton, Stephanie

Gabler, William

Gilman, G Michael

Giuda, Robert

Ham, Bonnie

Marshall, Gene

Mirski, Paul

Scanlan, David

Solow, Martha

Sova, Charles

Teschner, Douglass

Ward, Brien

Williams, Burton

HILLSBOROUGH

Allan, Nelson

Alukonis, David

Arnold, Thomas Jr

Artz, Lawrence

Balboni, Michael

Balcom, John

Batula, Peter

Bergeron, Jean-Guy

Bergin, Peter

Bouchard, David

Bragdon, Peter

Brundige, Robert

Bruno, Pierre

Calawa, Leon Jr

Carlson, Donald

Christensen, D L Chris

Clegg, Robert Jr

Cote, Peter

Coughlin, Pamela

Desrosiers, William

Dionne, Kimberley

Dokmo, Cynthia

Drisko, Richard

Elliott, Larry

Emerton, Lawrence Sr

Fields, Dennis

Fletcher, Richard

Flora, Kathleen

Ford, Nancy

Furman, Christine

Gargasz, Carolyn

Gleneck, David

Golding, William

Gonzalez, Carlos

Goulet, Maurice

Graham, John

Greenberg, Gary

Guinta, Frank

Hall, Charles

Herman, Keith

Holden, Randolph

Jean, Loren

Johnson, Lionel

Kurk, Neal

L'Heureux, Robert

LaFlamme, Paul

Leach, Edward

Lessard, Rudy

Martel, Andre

McDonough-Wallace,
Alice

McHugh, Claire

McRae, Karen

Mercer, Robert

Messier, Irene

Milligan, Robert

O'Connell, Timothy

Pappas, Marc

Pepino, Leo

Peterson, Andrew

Reeves, Sandra

Rowe, Robert

Salts, Greg

Sargent, Maxwell

Seibel, Christopher

Souza, Kathleen

Spiess, Paul

Tahir, Saghir

Tate, Joan

Thompson, Rob

Thulander, O Alan

Vaillancourt, Steve

White, Donald

MERRIMACK

Anderson, Eric

Colcord, J D

Crosby, Toni

Cummings, Raymond

Dunne, Christopher

Feuerstein, Martin

Fraser, Leo Jr

Hager, Elizabeth

Hess, David

Hutchinson, John

Kennedy, Richard

L'Heureux, Stephen

Langer, Ray	Leber, William	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Soltani, Tony	Swindlehurst, John	Whalley, Michael
Winter, Steven			

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Vivian
Cooney, Richard	Corbin, Corey	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hill, Jonathan	Holland, James Jr	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palermo, Diane
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rabideau, Marie	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	Bickford, David	Brown, Julie	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	McCarthy, Gerald	Musler, George
Reid, Christopher	Twombly, James	Woods, Phyllis	

SULLIVAN

Jones, Constance	Leone, Richard	Odell, Bob	Rodeschin, Beverly
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NAYS 121

BELKNAP

Johnson, William

Wood, Jane

CARROLL

None

CHESHIRE

Allen, Peter

Batchelder, Robert

Espieffs, Peter

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Slack, Pamela Russell

Weed, Charles

Zerba, Roger

COOS

Bradley, Paula

Landers, Dana

Mears, Edgar

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Lovett, Sid

Naro, Debra

Nordgren, Sharon

Pawlek, Marion

Scovner, Nancy

Sokol, Hilda

HILLSBOROUGH

Andosca, Mary

Baroody, Benjamin

Bellavance, Paul

Buckley, Raymond

Cardin, Lori

Clayton, William

Clemons, Jane

Cote, David

Craig, James

Daigle, Robert

Dionne, David

Drabinowicz, A Theresa

Eaton, Richard

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Jean, Claudette

Kacavas, John

Konys, Christine

Lasky, Bette

Lefebvre, Roland

Leishman, Peter

Martin, Mary Ellen

Melcher, Harold

Movsesian, Lori

Murphy, Robert

Palangas, Eric

Panagopoulos, Nicholas

Shaw, Barbara

Sullivan, Peter

Sweeney, Cynthia

White, John

Williams, Carol

MERRIMACK

Bouchard, Candace

Brewster, Richard

Clarke, Claire

Daneault, Gabriel

Davis, Frank

French, Barbara

Gile, Mary

Greco, Vincent

Jacobson, Alf	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Downing, Michael	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Robertson, Carl	Shultis, Elizabeth
Splaine, James	Trueman, Raymond	Weatherspoon, Jacquelyne	

STRAFFORD

Berube, Roger	Brennan, William	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
Pelletier, Arthur	Proulx, Raymond	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
Woodill, Rodney			

SULLIVAN

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

and the report was adopted.

Ordered to third reading.

HB 728-FN-A-L, assessing a surcharge on waste disposed at solid waste landfills and incinerators, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Betty B. Hall for Environment and Agriculture: The committee believes that an entirely new bill should be introduced next session and is prepared to study what kind of a bill will provide incentives to increase our current rate of 25% - 30% to the statutory goal of 40%. Vote 18-0.

Adopted.

SB 194-FN, relative to retirement allowances for certain surviving spouses of group II retirement system members. **REFER FOR INTERIM STUDY**

Rep. Mary L. Andosca for Executive Departments and Administration: This bill has some merit but the majority of the committee felt that it was violating a cardinal rule of RSA 100 that a Group II retiree have 20 years of service and reach 45 years of age before receiving spousal and other benefits. This bill would help about 6 police retirees who retired with 20 years of service but had not reached age 45 at the time they retired. Vote 9-3.

Adopted.

CACR 15, relating to a balanced budget. Providing that: the governor shall not propose, nor shall the general court approve, an operating budget in which expenditures exceed estimated revenue.
INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: This constitutional amendment would have no practical effect. The sponsor on behalf of a constituent submitted this legislation so that the legislature would address the concern of the constituent. This legislation is not necessary. Vote 15-4.

Adopted.

HB 515-FN-L, establishing parental choice scholarships. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: Parental choice scholarships have at least a five-year history. A series of amendments attempted to deal with several objections. Each suggested amendment appeared to create new problems. As there appeared to be no way to resolve what could be policy decisions in the Finance Committee, it was resolved to refer to interim study. Vote 12-8.

Adopted.

HB 560-FN-A, establishing a contributory judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Finance: The committee in majority felt that since the current system of retirement for the judiciary has produced a \$2.3 million annual outlay and nearly a \$40 million unfunded accrued liability that it was time for revision. And since the revision is taking place, we should remove the old provision that compelled a judge to work to age 65 or lose it all. In addition, we should make the plan contributory so that we can gain interest earned and reduce the net cost. As a result, you have this bill which creates a new defined benefit contributory retirement plan with the annual contributions shared equally between employer and employees. It will be administered by a seven person board of trustees and will allow someone to retire at age 60 with 20 years of service at 70% of final year's salary. If they chose to work to age 65 with 25 years of service, then the benefit would be 75% of final year's salary. A retirement obligation bond will be used to fund the unfunded liability, and when the bond is amortized, pension costs should be reduced to almost half of current costs. Until then, the annual cost for the state's share of pension obligations plus debt service on the bond will be higher than the current \$2.3 million annual pension outlay. The bill also provides a \$250 thousand general fund appropriation for start-up costs. Vote 14-3.

motion to special order

Rep. Wheeler moved that **HB 560-FN-A**, establishing a contributory judicial retirement plan, be made a Special Order for January 17, 2002 in the regular calendar order.

Adopted.

regular calendar (cont'd.)

HB 656-FN-L, relative to the formula for distributing school building aid grants. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: After this bill was retained, the LBA delivered a performance audit on the School Construction Aid Department. The committee felt that information contained in this audit was relevant to this bill. The audit also contained an area where legislation was recommended. As the committee developed an amendment, it was felt that the areas involved should be reviewed by the Committee on Education and a new hearing should be held. Vote 20-0.

Adopted.

SB 182-FN-A, establishing a brain and spinal cord injury trust fund and appropriating certain moneys to such fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Finance: The Finance Committee amendment preserves the brain injury program established by the policy committee but changes the method and amount of funding. The bill as it came to Finance proposed paying for the program with a dedicated fund based on two unpredictable revenue sources. In hearings before Finance, it was determined that there were significant problems in this funding approach. It was also determined that at least \$200,000 in unanticipated general fund revenues would be available from penalty assessments on fines for driving and non-driving offenses for FY 2003. The Committee amendment eliminates the dedicated fund and makes a direct budgetary program appropriation of \$400,000, half of which comes from general funds and the other half from federal funds. In the future, funding for this program will be determined through the normal budgetary process. Vote 20-0.

Amendment (2011h)

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

AN ACT establishing a brain injury program and making an appropriation therefor.

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

1 New Subparagraph; Added Duty; Advisory Council; Brain Injury Program. Amend RSA 137-K:2, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Review the status of the brain injury program, established under RSA 137-K:9, and recommend to the commissioner priorities and criteria for disbursement of appropriations available to the program.

2 Rulemaking Added; Brain Injury Program. Amend RSA 137-K:3, VIII to read as follows:

VIII. *Eligibility criteria and objectives for the brain injury program, established under RSA 137-K:9.*

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

3 New Section; Brain Injury Program. Amend RSA 137-K by inserting after section 8 the following new section:

137-K:9 Brain Injury Program Established. There shall be established in the department a brain injury program to provide direct services on behalf of individuals and their families affected by brain injuries, including, but not limited to, community resource coordination, support of a statewide toll-free number for information and assistance, family support, advocacy and vocational support; to administer the brain and spinal cord injury registry; and to fund the injury prevention effort.

4 Supplemental Appropriation; New PAU; Brain Injury Program. Amend 2001, 130:1 by inserting after PAU 05, 01, 13, 01 the following new PAU:

FISCAL YEAR 2002

05 HEALTH AND SOCIAL SERVICES

01 DEPT OF HEALTH & HUMAN SVCS

13 DIV OF DEVELOPMENTAL SERVICES

10 NH BRAIN INJURY PROGRAM

90 PROGRAM EXPENDITURES	G	400,000
-------------------------	---	---------

TOTAL		400,000
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ESTIMATED SOURCE OF FUNDS FOR

NH BRAIN INJURY PROGRAM

00 FEDERAL FUNDS	200,000
------------------	---------

GENERAL FUND	200,000
--------------	---------

5 Totals Adjustment. The legislative budget assistant shall have the authority to adjust budget totals as necessitated by section 4 of this act.

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

AMENDED ANALYSIS

This bill establishes the brain injury program and inserts a new PAU into the operating budget for the program.

Adopted.

Report adopted and ordered to third reading.

HB 280-FN, transferring the responsibility and authority of the judicial conduct committee and the attorney's professional conduct committee to the legislature. **REFER FOR INTERIM STUDY**

Rep. Tony F. Soltani for Judiciary: This bill is comprised of two sections: first, creating an independent judicial conduct commission, and second, establishing a body charged with supervision and discipline or conduct of attorneys. The first part has been rendered moot by passage of SB 197, which established the new and diverse Judicial Conduct Commission. The issue of supervision and discipline of lawyers' professional conduct needs additional review and study. Vote 12-6.

Adopted.

HB 465, relative to the admission to practice law and to bar association membership for attorneys. **OUGHT TO PASS WITH AMENDMENT**

Rep. Christopher P. Reid for Judiciary: At present, the New Hampshire Supreme Court uses mandatory fees to license and regulate the legal profession. In this way New Hampshire is similar to surrounding states. Unlike surrounding states, however, the New Hampshire Supreme Court also requires that all licensed attorneys be members of the New Hampshire Bar Association. This association uses mandatory dues to provide services to its members and to the public and to engage in lobbying the legislature. Because the association is not a voluntary association, there are constitutional limits on its political activities. Some attorneys testified that they disagree with positions taken by the association and object to their dues being used to support those political positions. There was also testimony that the association often oversteps the constitutional limits placed on mandatory bar associations. The bill as amended would require that the members of the association vote every five years on whether the association should be mandatory. Unless the majority of members voting supports the continuation of mandatory membership in the association, then the association will become a voluntary association (but the Supreme Court will continue to regulate the profession and may assess fees for this purpose only). If membership in the association continues to be mandatory, this bill as amended protects association members in two important ways. First, consistent with the U.S. Constitution, it limits the subject matters on which the Bar Association can take positions. Officers and members of the association can lobby on any other issues they want, but cannot claim to be speaking on behalf of the association or its members and cannot use association resources. Second, the bill allows dissenting members to withhold that portion of their Bar Association dues that is used for political activities. Vote 15-3.

Amendment (2062h)

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

AN ACT relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

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

1 New Subdivision; State Bar Association. Amend RSA 311 by inserting after section 7-f the following new subdivision:

State Bar Association

311:7-g State Bar Association Membership; Vote Required.

I. The supreme court, pursuant to its power to regulate the practice of law under this chapter and its continuing supervisory authority over attorneys practicing before courts of this state, may assess fees for the purpose of regulating the practice of law and for maintaining a professional conduct committee.

II. The supreme court may require all persons engaged in the practice of law in this state to be members of the New Hampshire Bar Association; provided that the members of the Bar Association have approved the requirement pursuant to paragraph III.

III. The board of governors of the New Hampshire Bar Association shall place on the ballot with the election of officers of the Association, the following question: "Shall membership in the New Hampshire Bar Association be required for all attorneys licensed to practice in this state?" An affirmative vote of a majority of those voting on the question, shall allow for the requirement by the supreme court under paragraph II. Approval by the membership under this paragraph shall be valid for a 5-year period beginning on the date of the affirmative vote.

311:7-h Bar Association Legislative Activities.

I. The New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, shall be prohibited from using any part of dues paid by its members for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

II. If membership in the New Hampshire Bar Association is mandatory for attorneys under RSA 311:7-g, no person shall be permitted to engage in legislative activities on behalf of the New Hampshire Bar Association for the purpose of lobbying or influencing the general court on any matter, except as provided in paragraph III.

III. The Bar Association may use a part of dues paid by its members, and may engage a person to lobby or influence the legislature on its behalf provided the Association:

(a) Limits its activities before the general court to those matters which are directly related to the regulation of the legal profession and improving the quality of legal services available to the people of the state. The scope of such permissible activities shall be narrowly defined; and

(b) Has determined that substantial unanimity exists within the bar as a whole in agreement with the position taken on a matter.

IV. Nothing in the section shall prevent officers and members of the Bar Association from appearing before the general court to express their views as individuals, as members of voluntary associations, or as representatives of clients.

V. Any member of the New Hampshire Bar Association, if membership is mandatory for attorneys under RSA 311:7-g, may refuse to pay that portion of the Bar Association dues that are used for lobbying or influencing the legislature or other political matters.

311:7-i Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provisions or application, and to this end the provisions of this subdivision are severable.

2 Effective Date. This act shall take effect July 1, 2002.

AMENDED ANALYSIS

This bill requires a vote at least every 5 years by licensed attorneys to authorize the supreme court to continue the requirement for mandatory membership in the New Hampshire Bar Association. The bill also defines when the New Hampshire Bar Association may lobby the general court.

Rep. Mirski spoke against.

Rep. Reid spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being adoption of the amendment.

YEAS 266 NAYS 76

YEAS 266

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Millham, Alida
Nedeau, Stephen	Rice, Thomas Jr	Russell, David	Thomas, John
Wood, Jane			

CARROLL

Bradley, Jeb	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Quimby, Lee	Stevens, Stanley

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Emerson, Susan	Fairbanks, Chandler	Hunt, John	Liebl, George
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Royce, H Charles	Slack, Pamela Russell
Smith, Edwin	Weed, Charles	Zerba, Roger	

COOS

Bradley, Paula	Davis, Perley	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rozek, Michael

GRAFTON

Almy, Susan	Barker, Robert	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Ham, Bonnie	Marshall, Gene	Naro, Debra
Nordgren, Sharon	Pawlek, Marion	Scanlan, David	Scovner, Nancy
Sokol, Hilda	Solow, Martha	Sova, Charles	Teschner, Douglass
Williams, Burton			

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Balcom, John	Baroody, Benjamin
Batula, Peter	Bellavance, Paul	Bergin, Peter	Bouchard, David
Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr	Cardin, Lori
Carlson, Donald	Christensen, D L Chris	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Daigle, Robert
Desrosiers, William	Dionne, David	Dionne, Kimberley	Drabinowicz, A Theresa
Drisko, Richard	Elliott, Larry	Emerton, Lawrence Sr	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Goulet, Maurice	Graham, John
Greenberg, Gary	Guinta, Frank	Hall, Betty	Hall, Charles
Herman, Keith	Jean, Claudette	Jean, Loren	Johnson, Lionel
Konys, Christine	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Leach, Edward	Lefebvre, Roland	Leishman, Peter	Lessard, Rudy
McDonough-Wallace, Alice	McHugh, Claire	Melcher, Harold	Messier, Irene
Milligan, Robert	Movsesian, Lori	Murphy, Robert	Palangas, Eric
Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Shaw, Barbara
Spiess, Paul	Tahir, Saghir	Thulander, O Alan	Wheeler, Robert
White, Donald	White, John	Williams, Carol	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hutchinson, John
Jacobson, Alf	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Rodd, Beth	Rush, Deanna	Swindlehurst, John	Wallner, Mary Jane
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Blanchard, MaryAnn	Bowles, Raimond	Carson, Sharon
Case, Margaret	Chalbeck, Kevin	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Corbin, Corey	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Downing, Michael	Dumaine, Dudley	Fesh, Bob
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl
Giordano, Ronald	Gleason, John	Griffin, Mary	Henderson, Warren
Holland, James Jr	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Major, Norman	McGuire, Robert	McKinney, Betsy	Micklon, Stephanie
Morse, Charles	Norelli, Terie	Nowe, Ronald	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Saia, Pamela	Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen
Splaine, James	Stone, Joseph	Stritch, C Donald	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John	Zolla, William	

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	Johnson, Nancy	Kaen, Naida	Knowles, William
Musler, George	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	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Robb, Amy	Rodeschin, Beverly		

NAYS 76

BELKNAP

Lawton, David	Rosen, Ralph	Wendelboe, Fran
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CARROLL

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith	Torressen, Gary
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CHESHIRE

Edwards, Dana	Roberts, William
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COOS

Gallus, John

GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Gabler, William	Gilman, G Michael	Giuda, Robert	Lovett, Sid
Mirski, Paul			

HILLSBOROUGH

Allan, Nelson	Arnold, Thomas Jr	Artz, Lawrence	Balboni, Michael
Bergeron, Jean-Guy	Bragdon, Peter	Bruno, Pierre	Clegg, Robert Jr
Eaton, Richard	Furman, Christine	Gleneck, David	Holden, Randolph
LaFlamme, Paul	Martel, Andre	Martin, Mary Ellen	McRae, Karen
Mercer, Robert	O'Connell, Timothy	Salts, Greg	Souza, Kathleen
Sweeney, Cynthia	Tate, Joan	Thompson, Rob	Vaillancourt, Steve

MERRIMACK

Kennedy, Richard	Langer, Ray	Leber, William	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Bridle, Russell	Camm, Kevin	Clark, Vivian	Dowling, Patricia
Hamel, Albert	Hill, Jonathan	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kelley, William	Letourneau, Robert	Packard, Sherman
Palermo, Diane	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Ruffner, Walter	Varrell, Thomas	Welch, David
Weyler, Kenneth			

STRAFFORD

Albert, Russell	Cossette, Larry	Hughes, Christopher	McCarthy, Gerald
Woods, Phyllis			

SULLIVAN

Harris, Joseph	Phinizy, James
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and the amendment was adopted.

Reps. Burling, Craig, Dokmo, Espieffs, Hess, Rogers Johnson, Kacavas, Tara Reardon, Peter Sullivan and Ward declared conflicts of interest and did not participate.

The question now being the adoption of the committee report.

Rep. Potter spoke against and yielded to questions.

Rep. John Pratt spoke in favor.

Rep. Judith Sullivan requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 316 NAYS 24

YEAS 316

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Dewhirst, Glenn
Flanders, Donald	Holbrook, Robert	Johnson, William	Lawton, David
Millham, Alida	Nedeau, Stephen	Rice, Thomas Jr	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	Wood, Jane

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Emerson, Susan	Fairbanks, Chandler	Hunt, John
Liebl, George	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Roberts, William
Royce, H Charles	Slack, Pamela Russell	Smith, Edwin	Zerba, Roger

COOS

Bradley, Paula	Davis, Perley	Gallus, John	Guay, Lawrence
Horton, Lynn	Landers, Dana	Mears, Edgar	Pratt, Leighton
Rozek, Michael			

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Mirski, Paul
Naro, Debra	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Sova, Charles	Teschner, Douglass	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Alukonis, David	Andosca, Mary	Arnold, Thomas Jr
Artz, Lawrence	Balboni, Michael	Balcom, John	Baroody, Benjamin

Batula, Peter	Bellavance, Paul	Bergeron, Jean-Guy	Bergin, Peter
Bouchard, David	Bragdon, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Cardin, Lori	Carlson, Donald	Christensen, D L Chris
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Desrosiers, William	Dionne, David	Dionne, Kimberley
Drisko, Richard	Eaton, Richard	Elliott, Larry	Emerton, Lawrence Sr
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Gleneck, David	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Goulet, Maurice	Graham, John	Greenberg, Gary
Guinta, Frank	Hall, Charles	Herman, Keith	Holden, Randolph
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette	Leach, Edward
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Martel, Andre
Martin, Mary Ellen	McHugh, Claire	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Movsesian, Lori	Murphy, Robert
O'Connell, Timothy	Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Salts, Greg	Sargent, Maxwell	Shaw, Barbara	Souza, Kathleen
Spiess, Paul	Sweeney, Cynthia	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald	Williams, Carol		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Clarke, Claire
Colcord, J D	Crosby, Toni	Cummings, Raymond	Daneault, Gabriel
Davis, Frank	Dunne, Christopher	Fraser, Leo Jr	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hutchinson, John
Jacobson, Alf	Kennedy, Richard	L'Heureux, Stephen	Langer, Ray
Leber, William	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Bowles, Raimond	Bridle, Russell
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Camm, Kevin	Carson, Sharon	Case, Margaret	Chalbeck, Kevin
Clark, Martha Fuller	Clark, Vivian	Coes, Betsy	Cooney, Richard
Corbin, Corey	Cox, Russell	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Dumaine, Dudley	Fesh, Bob	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Giordano, Ronald
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hill, Jonathan	Holland, James Jr	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Major, Norman	McGuire, Robert	McKinney, Betsy
Micklon, Stephanie	Morse, Charles	Norelli, Terie	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palermo, Diane	Pitts, Jacqueline
Power, Lucille	Putnam, Ed II	Quandt, Marshall	Quandt, Matthew
Rausch, James	Robertson, Carl	Ruffner, Walter	Saia, Pamela
Sapareto, Frank	Shultis, Elizabeth	Sloan, Stephen	Splaine, James
Stone, Joseph	Stritch, C Donald	Trueman, Raymond	Varrell, Thomas
Weatherspoon, Jacquelyne	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Ferland, Paul
Gilmore, Gary	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hughes, Christopher	Johnson, Nancy	Kaen, Naida	Knowles, William
McCarthy, Gerald	Musler, George	Pelletier, Arthur	Proulx, Raymond
Reid, Christopher	Rollo, Michael	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Twombly, James	Wall, Janet	Woodill, Rodney
Woods, Phyllis			

SULLIVAN

Allison, David	Cloutier, John	Ferland, Brenda	Franklin, Peter
Harris, Sandra	Jones, Constance	Leone, Richard	Odell, Bob
Phinizy, James	Robb, Amy	Rodeschin, Beverly	

NAYS 24

BELKNAP

None

CARROLL

None

CHESHIRE

Weed, Charles

COOS

None

GRAFTON

Nordgren, Sharon

HILLSBOROUGH

Buckley, Raymond

Clayton, William

Daigle, Robert

Drabinowicz, A Theresa

Hall, Betty

Konys, Christine

McDonough-Wallace,
Alice

Melcher, Harold

White, John

MERRIMACK

Moore, Carol

Owen, Derek

Potter, Frances

Rodd, Beth

Rush, Deanna

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn

Kelley, William

STRAFFORD

Brennan, William

Brown, Julie

Callaghan, Frank

Snyder, Clair

SULLIVAN

Harris, Joseph

and the report was adopted.

Ordered to third reading.

Reps. Burling, Craig, Dokmo, Espieffs, Hess, Rogers Johnson, Kacavas, Tara Reardon, Peter Sullivan and Ward declared conflicts of interest and did not participate.

HB 589, relative to eligibility for unemployment benefits for part-time workers. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill, as amended, will allow a good cause exemption for two very narrowly defined groups of unemployed people to become eligible for unemployment compensation. They will have to meet all the current eligibility criteria, but will be able to restrict their availability if they have a history of part-time work and are providing care for a dependent child under the age of 16 or an infirm adult family member. This bill will require annual reports by the Department of Employment Security and will sunset July 01, 2005. Vote 10-3.

Amendment (0580h)

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

1 Unemployment Compensation; Total and Partial Unemployment. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to him *or her* with respect to such week fail to equal his *or her* weekly benefit amount.

(b) An individual who is seeking only part-time work shall be deemed to be partially unemployed in any week during which the individual was employed fewer than 20 hours.

2 Unemployment Compensation; Benefit Eligibility Conditions; Part-Time Workers. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] ***The individual*** has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] ***The individual*** has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) ~~[He]~~ ***The individual*** is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services ~~[he]~~ ***the individual*** offers and that ~~[he]~~ ***the individual*** has exposed himself ***or herself*** to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man]~~ ***person*** seeking work.

(d) ~~[He]~~ ***The individual*** is available for and seeking permanent, full-time work for which he ***or she*** is qualified.

(e) ~~[He]~~ ***The individual*** has disclosed whether or not he ***or she*** owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) ~~[He]~~ ***The individual*** has participated in reemployment services when so directed by the commissioner unless he ***or she*** has completed such services or has good cause for failure to participate in such services.

3 New Paragraphs; Unemployment Compensation; Benefit Eligibility Conditions. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for the individual's natural, adopted, step, or foster child under the age of 16; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonable prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomes of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15 of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required thereunder, and recommendations for legislation.

4 Unemployment Compensation; Disqualification for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) ~~[He]~~ ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept ***any*** suitable work when offered ~~[him]~~, or to return to ~~[his]~~ ***the individual's*** customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to ~~[his]~~ ***the individual's*** health, safety and morals; and

(B) ~~[His]~~ ***The individual's*** physical fitness; and

(C) ~~[His]~~ ***The individual's*** prior training; and

(D) ~~[His]~~ ***The individual's*** experience; and

(E) ~~[His]~~ ***The individual's*** prospects for securing, in his labor market area, work in his ***or her*** customary occupation; and

(F) The distance of the available work from ~~[his]~~ ***the individual's*** residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also to where he ***or she*** acquired his ***or her*** currently available annual earnings; and

(G) ~~[His]~~ Prior earnings, ***prior shifts and hours***, and length of unemployment, but ~~[his]~~ prior earnings shall be given more weight than ~~[his]~~ length of unemployment, ***and length of unemployment shall be given more weight than prior shifts and hours.***

(2) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If ~~[he]~~ ***the individual*** is unable to apply for or accept work during the hours of ~~[the third]~~ ***a particular*** shift, ~~[so-called]~~ because he ***or she*** is the only adult available for the care of ~~[his children]~~ ***a natural, adopted, stepchild, or foster child*** under

the age of ~~[15]~~ **16** during said hours or for the care of an ill or infirm ~~[elderly person who is dependent on him for support]~~ ***family member whom a licensed physician has certified is in need of care for the activities of daily living.***

(E) If the individual is permanently physically and/or mentally disabled, full-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(3) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

5 Repeal. The following are repealed:

I. RSA 282-A:14, II(b), relative to partial unemployment as defined by hours worked.

II. RSA 282-A:31, IV and V, relative to eligibility of individuals only available to work part-time and the commissioner's annual report thereon.

6 Effective Date.

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

II. The remainder of this act shall take effect January 1, 2002.

AMENDED ANALYSIS

This bill allows individuals willing and able to work at least 20 hours per week to collect unemployment benefits. The commissioner of employment security shall prepare and submit an annual report to the speaker of the house, the senate president, and the governor on the amount of additional benefits paid and administrative expenses incurred as a result. The provisions of this bill will expire on June 30, 2005.

This bill also makes gender neutral changes to RSA 282-A:31.

Adopted.

Rep. Rogers Johnson spoke against and yielded to questions.

Rep. Whittier spoke in favor and yielded to questions.

Rep. Gilman moved Recommit to committee.

Rep. Mears and Whittier spoke against.

Rep. Nowe requested a roll call; sufficiently seconded.

The question being Recommit to committee.

YEAS 182 NAYS 163

YEAS 182

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Holbrook, Robert	Lawton, David
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Thomas, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Quimby, Lee	Stevens, Stanley	Sullivan, P Judith	Torressen, Gary

CHESHIRE

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

COOS

Davis, Perley	Gallus, John	Horton, Lynn	Rozek, Michael
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GRAFTON

Akins, Ralph	Alger, John	Barker, Robert	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Marshall, Gene	Mirski, Paul	Scanlan, David
Solow, Martha	Sova, Charles	Teschner, Douglass	Williams, Burton

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Balboni, Michael	Balcom, John
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Bragdon, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Christensen, D L Chris	Clegg, Robert Jr	Coughlin, Pamela	Desrosiers, William
Dionne, Kimberley	Dokmo, Cynthia	Drisko, Richard	Elliott, Larry
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Flora, Kathleen

Furman, Christine	Gargas, Carolyn	Gleneck, David	Goulet, Maurice
Greenberg, Gary	Guinta, Frank	Herman, Keith	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Leach, Edward
Lefebvre, Roland	Lessard, Rudy	Martel, Andre	McHugh, Claire
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Murphy, Robert	O'Connell, Timothy	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Salts, Greg
Sargent, Maxwell	Souza, Kathleen	Tahir, Saghir	Tate, Joan
Thompson, Rob	Thulander, O Alan	Vaillancourt, Steve	Wheeler, Robert
White, Donald			

MERRIMACK

Anderson, Eric	Dunne, Christopher	Hess, David	Hutchinson, John
Kennedy, Richard	Langer, Ray	Leber, William	MacKay, James
Soltani, Tony	Swindlehurst, John	Whalley, Michael	Winter, Steven

ROCKINGHAM

Arndt, Janet	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Carson, Sharon	Case, Margaret	Chalbeck, Kevin	Clark, Vivian
Cox, Russell	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Gilbert, Karl	Giordano, Ronald	Gleason, John	Griffin, Mary
Henderson, Warren	Hill, Jonathan	Introne, Robert	Itse, Daniel
Johnson, Robert	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Power, Lucille	Putnam, Ed II	Quandt, Marshall
Quandt, Matthew	Ruffner, Walter	Sapareto, Frank	Sloan, Stephen
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Welch, David
Weyler, Kenneth	Zolla, William		

STRAFFORD

Albert, Russell	Brennan, William	Brown, Julie	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	Musler, George	Reid, Christopher
Twombly, James	Woods, Phyllis		

SULLIVAN

Ferland, Brenda	Jones, Constance	Odell, Bob	Rodeschin, Beverly
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NAYS 163

BELKNAP

Czech, Stanley	Dewhirst, Glenn	Flanders, Donald	Johnson, William
Rice, Thomas Jr	Russell, David	Wood, Jane	

CARROLL

None

CHESHIRE

Allen, Peter	Batchelder, Robert	Emerson, Susan	Espieffs, Peter
Liebl, George	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Slack, Pamela Russell
Weed, Charles	Zerba, Roger		

COOS

Bradley, Paula	Guay, Lawrence	Landers, Dana	Mears, Edgar
Pratt, Leighton			

GRAFTON

Almy, Susan	Benn, Bernard	Cobb, John	Cooney, Mary
Lovett, Sid	Naro, Debra	Nordgren, Sharon	Scovner, Nancy
Sokol, Hilda	Ward, Brien		

HILLSBOROUGH

Allan, Nelson	Andosca, Mary	Artz, Lawrence	Baroody, Benjamin
Bellavance, Paul	Bouchard, David	Buckley, Raymond	Cardin, Lori
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Daigle, Robert	Dionne, David	Drabinowicz, A Theresa	Eaton, Richard

Ford, Nancy	Foster, Linda	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Hall, Charles
Holden, Randolph	Jean, Claudette	Johnson, Lionel	Kacavas, John
Konys, Christine	Lasky, Bette	Leishman, Peter	Martin, Mary Ellen
McDonough-Wallace, Alice	Melcher, Harold	Movsesian, Lori	Palangas, Eric
Panagopoulos, Nicholas	Shaw, Barbara	Spiess, Paul	Sullivan, Peter
Sweeney, Cynthia	White, John		

MERRIMACK

Bouchard, Candace	Brewster, Richard	Clarke, Claire	Colcord, J D
Crosby, Toni	Cummings, Raymond	Daneault, Gabriel	Davis, Frank
Fraser, Leo Jr	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Jacobson, Alf	L'Heureux, Stephen	Lockwood, Priscilla
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rush, Deanna	Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn	Bowles, Raimond	Clark, Martha Fuller	Coes, Betsy
Cooney, Richard	Corbin, Corey	DiFruscia, Anthony	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Hamel, Albert
Holland, James Jr	Hutchinson, Karen	Kelley, Jane	Kelley, William
Langone, John	McGuire, Robert	Micklon, Stephanie	Norelli, Terie
Palermo, Diane	Pitts, Jacqueline	Rausch, James	Robertson, Carl
Saia, Pamela	Shultis, Elizabeth	Splaine, James	Trueman, Raymond
Weatherspoon, Jacquelyne	Whittier, John		

STRAFFORD

Berube, Roger	Bickford, David	DeChane, Marlene	Estabrook, Iris
Ferland, Paul	Gilmore, Gary	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hughes, Christopher	Johnson, Nancy	Kaen, Naida
Knowles, William	McCarthy, Gerald	Pelletier, Arthur	Proulx, Raymond
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Wall, Janet	Woodill, Rodney	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Franklin, Peter
Harris, Joseph	Harris, Sandra	Leone, Richard	Phinizy, James

and the motion to recommit was adopted.

Recommitted to Labor, Industrial and Rehabilitative Services.

HB 251, establishing that local zoning ordinances regulating location are applicable to community living facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Mary R. Cooney for Municipal and County Government: This bill was introduced because the Department of Health and Human Services did not appear to allow for public input prior to placing a developmentally disabled sexual offender in a housing unit located in a Manchester neighborhood. The intent of the original bill was to prevent the possibility of any sex offenders from being housed in any state community living facilities that are located near schools or neighborhoods where children are present by requiring that those facilities come under the regulation of local zoning ordinances. The purpose of RSA 126-A:1 is "to provide an integrated, administrative structure for the design and delivery of a comprehensive and coordinated system of health and human services which is family-centered and community based for the citizens of New Hampshire. "This bill could have had the effect of putting the placement of all citizens with all types of disabilities at risk. However, the committee recognized that there is a need to balance the rights of the disabled with the rights of the residents of a municipality. HB 251 was retained by the committee to see if there was a process put in place that would give the communities meaningful input in the siting process of DHHS. Another bill, SB 161, was also dealing with the same population though in a different manner. SB 161 as passed by the Health, Human Services and Elderly Affairs Committee sets up a commission to review and approve proposed locations for the provision of residential treatment to individuals with complex and significant disabilities who have engaged in behavior which endangers the community and who require intensive therapeutic interventions and close supervision. Based on the comprehensive process being set up in SB 161 the Municipal and County Government Committee voted to recommend Inexpedient to Legislate on HB 251 and work to ensure passage of a process that recognizes the need for balance between the rights of a disabled person and the rights residents of a municipality. Vote 14-0.

Adopted.

SPECIAL ORDER

HB 285-FN-L, relative to the adoption of a state building code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: There is a multiplicity of building codes in this state. This bill incorporates the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code and the National Electric Code 1999 to form the basis of the state building code to insure that the state has a uniform, modern construction code which will protect public health, safety and welfare. This act provides requirements for construction consistent with national

recognized standards and will permit to the fullest extent possible the use of modern technical methods, devices and improvements. This bill also establishes the state building code review board, consisting of the Commissioner, Department of Safety or designee and 15 additional members nominated by the various affected boards and appointed by the Commissioner of Safety. The board shall meet to review and assess the application of the state building code and shall recommend legislation as the board deems necessary to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules or regulations that will promote public safety and best practices. The board shall hear appeals of variances or exceptions to the state fire code. The board shall adopt rules under RSA 541-A within six months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedures for appeals to the board and procedures for updating or changing the state building code. Vote 12-3.

Amendment (1954h)

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

1 Findings and Purpose.

I. The general court finds that a multiplicity of construction codes and standards currently exist in this state. The general court further finds that the model codes of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, and the National Electric Code 1999, are recognized construction codes whose uniform adoption as the state building code pursuant to this act will insure that the state has a uniform, modern construction code which will protect the public health, safety, and welfare.

II. It is the intent and purpose of this act to:

- (a) Provide requirements for construction consistent with nationally recognized standards;
- (b) Permit to the fullest extent feasible the use of modern technical methods, devices and improvements, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures; and
- (c) Insure adequate protection of the public health, safety, and welfare.

2 Cities; Reference to State Building Codes. Amend RSA 47:22 to read as follows:

47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental body of any city, is hereby empowered and authorized in the passing and adopting of ordinances, establishing codes, rules and regulations for the construction of buildings, relating to the installation of plumbing, the use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto or for the prevention of fires to adopt any ~~[nationally recognized code, rules and regulations to develop good engineering practice or safety that have been printed as a code in book form or such portions thereof by reference thereto in such ordinance]~~ **additional regulations provided that the regulations are not less stringent than the requirements of the state building code under RSA 155-A or the state fire code under RSA 153**; provided, that upon adoption of such ordinance wherein such code, rules and regulations or portions thereof have been incorporated by reference, there shall be filed 3 copies of such codes, rules and regulations in the main office of the municipal department or agency

administering the same and 3 copies in the office of the city clerk. All copies of any code, rules and regulations filed as provided herein, shall be for use and examination by the public.

3 New Hampshire Building Code; Construction Standards. RSA 155-A is repealed and reenacted to read as follows:

CHAPTER 155-A

NEW HAMPSHIRE BUILDING CODE

155-A:1 Definitions. In this chapter:

I. "Building" means building as defined and interpreted by the International Code Council's International Building Code 2000.

II. "County" means the local legislative body of a county in which there are unincorporated towns or unorganized places.

III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51, the building inspector or other local government official with authority to make inspections and to enforce the laws, ordinances and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings.

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code 2000, the International Plumbing Code 2000, the International Mechanical Code 2000, the International Energy Conservation Code 2000, as published by the International Code Council, and the National Electric Code 1999. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

V. "Person" means any individual or organized group of any kind, including partnerships, corporations, limited liability partnerships, limited liability companies, and other forms of association, as well as federal, state or local instrumentalities, political subdivisions, or officers.

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code 2000.

155-A:2 State Building Code.

I. Except as provided in paragraphs II and III, all buildings, building components, and structures constructed in New Hampshire beginning one year after the effective date of the section, shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. Standards, including definitions, established by the most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence over all standards in the state building code relative to means of egress.

III. All new buildings shall conform to the requirements of the state fire code adopted pursuant to RSA 153:5 and to the extent that there is any conflict between the state building code and the state fire code, the state fire code shall take precedence unless otherwise determined by the board, subject to the review provisions contained in RSA 155-A:10.

IV. To the extent that it does not conflict with any other provision of law, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

V. Except for buildings owned by the state or the university system, the issuance of certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts.

VI. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code pursuant to this chapter and the state fire code pursuant to RSA 153.

VII. For any municipality which has not adopted an enforcement mechanism for the state building code under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings.

VIII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

IX. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local building code requirements that are less stringent than the state building code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

X. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned or operated by the state unless otherwise authorized by law.

XI. No state agency, authority, board, or commission shall modify the state building code, unless approved by the state building code review board pursuant to RSA 155-A. Nothing in this chapter shall affect the statutory authority of the public utilities commission, the state board for the licensing and regulation of plumbers, or the state electricians' board, to administer their respective programs, provided that any changes to codes adopted under the rulemaking authority of these agencies shall not be implemented until approved by the state building code review board.

155-A:3 Local Amendments; Application. For a municipality which has adopted an enforcement mechanism or additional regulations to the state building code pursuant to RSA 674:51:

I. The municipality may adopt local amendments to the state building code which do not prohibit minimum implementation and enforcement of the state building code.

II. The procedure for amendment shall be in accordance with applicable statutes and local regulations.

III. At a minimum, the municipality shall ensure that implementation and enforcement includes:

- (a) Review and acceptance of appropriate plans.
- (b) Issuance of building permits.
- (c) Inspection of the work authorized by the building permits.
- (d) Issuance of appropriate use and occupancy certificates.

IV.(a) The provisions of this chapter and any local amendments under this section shall not be construed to restrict or encumber the local governing body's authority relative to the appointment, removal, or duties of municipal employees and the organization of municipal departments.

(b) Any provision of the state building code that conflicts with existing or amended local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments, shall not apply.

155-A:4 Permit Required. Before starting new construction or renovation of schools, halls, theaters or other public buildings the person responsible for such construction shall obtain a permit signed by the board of selectmen, after their due consideration of any written recommendations of the fire chief. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51, the permit under this section shall conform to the locally adopted process.

155-A:5 Accessibility of Public Buildings. Notwithstanding RSA 155-A:2, all new buildings constructed by the state or any of its agencies, and all new schools, halls, theaters or other public buildings in this state in which more than 100 people can be assembled shall be required to provide at least one entrance and exit designed so that the public areas of the entire building are accessible to persons with disabilities.

155-A:6 Inspection of State Buildings. The commissioner of safety and the commissioner of transportation shall provide for periodic safety inspection of all occupied public buildings owned by the state.

155-A:7 Enforcement Authority.

I. The local enforcement agency appointed pursuant to RSA 674:51 shall have the authority to enforce the provisions of the state building code, provided, however, that where there is no building inspector, the state fire marshal or the state fire marshal's designee shall have the authority to enforce the provisions of the state building code, subject to the review provisions contained in RSA 155-A:10.

II. Upon the request of a local enforcement agency, state agencies, boards, and commissions may provide advisory services and technical assistance concerning any building or any construction project in the local enforcement agent's jurisdiction.

III. The local enforcement agency appointed to enforce the state building code shall have the authority to inspect all buildings, structures, construction sites, and other places in the jurisdiction. If consent for such inspection is denied or not reasonably obtainable, the local enforcement agency may obtain an administrative inspection warrant under RSA 595-B.

155-A:8 Penalty. Fines, penalties, and remedies for violations of this chapter shall be the same as for violations of title LXIV, as stated in RSA 676:15 and 676:17.

155-A:9 Fees. The municipality may establish fees to defray the costs of administration, implementation, and enforcement of the state building code and any local amendments. Such fees shall be for the general use of the municipality having responsibility over the local enforcement agency.

155-A:10 State Building Code Review Board.

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and 15 additional members appointed by the commissioner of safety as follows:

(a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects established in RSA 310-A:29.

(b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of engineers established in RSA 310-A:3.

(e) One representative of the state's municipalities, nominated by the New Hampshire Municipal Association.

(f) One municipal building official, nominated by the New Hampshire Building Officials Association.

(g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(h) One municipal volunteer fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(i) One building contractor, primarily engaged in the business of constructing non-residential buildings, nominated by the Associated General Contractors of New Hampshire.

(j) One building contractor primarily engaged in the business of constructing residential buildings, nominated by the New Hampshire Home Builders Association.

(k) One representative from the state energy conservation code office under RSA 155-D, nominated by the New Hampshire public utilities commission.

(l) One master plumber licensed in this state for a minimum of 5 years, nominated by the state board for the licensing and regulation of plumbers established in RSA 329-A.

(m) One mechanical contractor with a minimum of 5 years experience, primarily engaged in the business of mechanical construction, nominated by the New Hampshire Plumbing and Mechanical Contractors Association.

(n) One master electrician licensed in this state for a minimum of 5 years, nominated by the New Hampshire Electrical Contractors Business Association.

(o) One representative of the Committee on Architectural Barrier – Free Design nominated by the governor’s commission on disability.

II. The term of each member shall be 3 years except that persons initially appointed under subparagraphs I(a), (d), (g), (j) and (m) shall serve one-year terms, and persons initially appointed under subparagraphs I(b), (e), (h), (k) and (n) shall serve 2-year terms. The chair shall be appointed by the commissioner of safety. Board members shall be appointed for no more than 2 consecutive 3-year terms.

III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules, or regulations, and to promote public safety and best practices.

V. The board may adopt rules to update or change the state building code manuals for the codes described in RSA 155-A:1, III, to the extent the board deems that such updates or changes are necessary, provided that any such updates or changes are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such updates or changes are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

VI. The board shall review the National Fire Protection Association Building Code and its companion manuals when published, and shall review any other building codes when published, in order to evaluate whether the state should continue with the International Building Codes and its manuals, switch to other codes or adopt a combination of codes.

155-A:11 Appeals of Decisions of the State Fire Marshal.

I. The board shall hear appeals of variances or exceptions to the state fire code that have been granted or denied by the state fire marshal or the state fire marshal’s designee, and appeals of a decision of the state fire marshal or the state fire marshal’s designee, in enforcing provisions of the state building code pursuant to RSA 155-A:7, I.

II. The board shall hold a hearing within 40 days of receipt of a complaint, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of a hearing.

155-A:12 Appeal From Board's Decision.

I. A party to the proceeding shall have the right to file a petition in the superior court of the county in which the building or structure is located to review the final order of the board within 30 days of the date of the final order.

II. At the earliest practical time, the court shall review the record as developed before the board, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the court may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the superior court. The burden of proof shall be on the appellant to show that the decision of the board was clearly unreasonable or unlawful.

III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake or misfortune could not have been offered before the board, the superior court shall remand the case to the board to receive and consider such additional evidence.

4 Energy Conservation in New Building Construction; State Building Code. RSA 155-D:2, II is repealed and reenacted to read as follows:

II. "Code for Energy Conservation in New Building Construction" or "code" means the applicable parts of the state building code as defined in RSA 155-A.

5 Modular Housing; State Building Code. RSA 205-C:1, II is repealed and reenacted to read as follows:

II. "State building code" means the state building code pursuant to RSA 155-A.

6 Modular Building Standards. Amend RSA 205-C:2 to read as follows:

205-C:2 Modular Building Standard.

I. All modular buildings and building components [~~installed in New Hampshire~~] **ordered** on or after ~~[July 24, 1992]~~ **the date one year after the effective date of RSA 155-A:2** shall comply with the [~~BOCA National Building Code and the National Electrical Code~~] **state building code and the state fire code**.

II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the [~~BOCA National Building Code and the National Electrical Code. Such certification~~] **state building code**, however, **such certification** shall not be deemed to preempt enforcement of any state or local standards governing installation or work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.

III. Nothing in this chapter shall be construed as amending, repealing or superseding any [~~other state or~~] local law, ordinance, code or regulation, and all modular buildings and building

components shall comply with all applicable state or local building requirements that exceed the ~~[BOCA National Building Code or the National Electrical Code,]~~ **state building code, in addition to any** land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

7 New Paragraph; Electricians; Rulemaking. Amend RSA 319-C:6-a by inserting after paragraph V the following new paragraph:

V-a. The applicable version of the National Electrical Code with any discretionary changes, provided that any such changes are no less stringent than provided in the state building code administered and approved by the state building code review board under RSA 155-A.

8 Plumber's Board; State Plumbing Code; Adoption by Reference; Rules. Amend RSA 329-A:15 to read as follows:

329-A:15 State Code; Rules.

I. The board shall adopt such plumbing rules under RSA 541-A as it may deem necessary for the protection of the public health. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the plumbing provisions of the 1984 edition of the BOCA Basic Plumbing Code sponsored by the Building Officials and Code Administrators International, Inc.]~~ The board ~~[may]~~ **shall** adopt ~~[the BOCA code]~~ **the International Plumbing Code, as published by the International Code Council**, by reference, provided it specifies which sections of the code are in force in New Hampshire and makes specific and discretionary provisions in the code, **subject to the provisions of RSA 155-A:2, XI.**

II. The board shall periodically review the rules adopted under paragraph I to assure that they are not less stringent than the most recent edition of the ~~[BOCA]~~ **International Plumbing** Code published at the time of the review.

9 Environmental Services; Public Water Systems; Plumbing Code. Amend RSA 485:41, III to read as follows:

III. Adopt rules governing the installation of pipes, fixtures and other apparatus which are used to connect the water system to a building. Such rules shall be considered minimum standards. ~~[The rules shall be no less stringent than the applicable provisions of the current edition of the BOCA Basic Plumbing Code, sponsored by the Building Officials and Code Administrators International, Inc.]~~ The department ~~[may]~~ **shall** adopt the ~~[BOCA code]~~ **International Plumbing Code as published by the International Code Council** by reference, provided the department specifies which sections of the code are in force in New Hampshire and makes specific any discretionary provisions in the code subject to approval by the state building code review board. The department shall periodically review the rules adopted under this paragraph to assure that they are no less stringent than the requirements of the current ~~[BOCA]~~ code.

10 Zoning and Planning; Building Codes. RSA 674:51 is repealed and reenacted to read as follows:

674: 51 Power to Amend State Building Code and Establish Enforcement Procedures.

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such

additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for informational purposes.

III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include, at a minimum, the following provisions:

(a) The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.

(b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5.

(c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be necessary to assure compliance with the local building code.

(d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

11 Rulemaking Required. The state building code review board established by this act shall adopt rules under RSA 541-A within 6 months of the effective date of RSA 155-A:2 relative to the operation of the board, the procedure for appeals to the board, and procedures for updating or changing the state building code.

12 Repeal. The following are repealed:

I. RSA 205-C:1, XII, relative to the definition of the National Electrical Code.

II. RSA 674:52, relative to local adoption of building codes by reference.

III. RSA 675:9, II, relative to filing exemption for national building codes adopted by reference.

13 Effective Date.

I. RSA 155-A:10 as inserted by section 3 of this act shall take effect 30 days after its passage.

II. The remainder of this act shall take effect 180 days after its passage.

Adopted.

Reps Lockwood and Dokmo spoke against.

Rep. Mirski spoke in favor and yielded to questions.

Reps. Brundige and Clegg spoke in favor.

Rep. Dokmo requested a roll call; sufficiently seconded.

The question being adoption of the report.

YEAS 255 NAYS 89

YEAS 255

BELKNAP

Bartlett, Gordon	Boyce, Laurie	Czech, Stanley	Flanders, Donald
Johnson, William	Lawton, David	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Wendelboe, Fran	Wood, Jane

CARROLL

Bradley, Jeb	Quimby, Lee	Stevens, Stanley	Sullivan, P Judith
Torressen, Gary			

CHESHIRE

Allen, Peter	Avery, Stephen	Batchelder, Robert	Dexter, Judson
Edwards, Dana	Emerson, Susan	Espiefs, Peter	Fairbanks, Chandler
Hunt, John	Liebl, George	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Slack, Pamela Russell	Smith, Edwin	Weed, Charles
Zerba, Roger			

COOS

Bradley, Paula	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Barker, Robert
Benn, Bernard	Cobb, John	Cooney, Mary	Dudley, Terri
Eaton, Stephanie	Gabler, William	Gilman, G Michael	Giuda, Robert
Ham, Bonnie	Lovett, Sid	Marshall, Gene	Mirski, Paul
Naro, Debra	Scanlan, David	Scovner, Nancy	Sokol, Hilda
Solow, Martha	Sova, Charles	Williams, Burton	

HILLSBOROUGH

Alukonis, David	Andosca, Mary	Arnold, Thomas Jr	Artz, Lawrence
Balboni, Michael	Balcom, John	Baroody, Benjamin	Batula, Peter
Bellavance, Paul	Bergeron, Jean-Guy	Bouchard, David	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Christensen, D L Chris
Clayton, William	Clegg, Robert Jr	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Desrosiers, William	Dionne, David	Drisko, Richard
Emerton, Lawrence Sr	Fields, Dennis	Fletcher, Richard	Ford, Nancy
Foster, Linda	Furman, Christine	Gargasz, Carolyn	Ginsburg, Ruth
Gleneck, David	Golding, William	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Graham, John	Greenberg, Gary	Guinta, Frank
Jean, Claudette	Johnson, Lionel	Kacavas, John	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaFlamme, Paul	Lasky, Bette
Leach, Edward	Lessard, Rudy	Martel, Andre	Melcher, Harold
Mercer, Robert	Milligan, Robert	Movsesian, Lori	Murphy, Robert
Palangas, Eric	Panagopoulos, Nicholas	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Salts, Greg	Sargent, Maxwell
Shaw, Barbara	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Tate, Joan	Thompson, Rob	Vaillancourt, Steve	White, Donald

MERRIMACK

Anderson, Eric	Bouchard, Candace	Crosby, Toni	Cummings, Raymond
Daneault, Gabriel	Dunne, Christopher	French, Barbara	Gile, Mary
Greco, Vincent	Hess, David	Hutchinson, John	Jacobson, Alf
L'Heureux, Stephen	Leber, William	Maxfield, Roy	Owen, Derek

Potter, Frances
Swindlehurst, John

Reardon, Tara
Wallner, Mary Jane

Rush, Deanna
Whalley, Michael

Soltani, Tony
Winter, Steven

ROCKINGHAM

Arndt, Janet
Carson, Sharon
Cooney, Richard
Downing, Michael
Flanders, John Sr
Gleason, John
Hill, Jonathan
Itse, Daniel
Kelley, William
McGuire, Robert
O'Neil, Michael
Putnam, Ed II
Robertson, Carl
Sloan, Stephen
Varrell, Thomas
Whittier, John

Blanchard, MaryAnn
Chalbeck, Kevin
Corbin, Corey
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Holland, James Jr
Johnson, Rogers
Kobel, Rudolph
Micklon, Stephanie
Packard, Sherman
Quandt, Marshall
Ruffner, Walter
Stone, Joseph
Weatherspoon,
Jacquelyne
Zolla, William

Bridle, Russell
Clark, Vivian
Cox, Russell
Fesh, Bob
Gilbert, Karl
Hamel, Albert
Hutchinson, Karen
Katsakiores, George
Letourneau, Robert
Morse, Charles
Palermo, Diane
Quandt, Matthew
Saia, Pamela
Stritch, C Donald
Welch, David

Camm, Kevin
Coes, Betsy
DiFruscia, Anthony
Flanagan, Natalie
Giordano, Ronald
Henderson, Warren
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Nowe, Ronald
Pitts, Jacqueline
Rausch, James
Shultis, Elizabeth
Trueman, Raymond
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cossette, Larry
Goodwin, Earle
Kaen, Naida
Taylor, Kathleen
Woods, Phyllis

Brennan, William
DeChane, Marlene
Grassie, Anne
Pelletier, Arthur
Twombly, James

Brown, Julie
Ferland, Paul
Heon, Richard
Reid, Christopher
Wall, Janet

Callaghan, Frank
Gilmore, Gary
Johnson, Nancy
Spang, Judith
Woodill, Rodney

SULLIVAN

Allison, David
Harris, Sandra

Cloutier, John
Jones, Constance

Ferland, Brenda
Odell, Bob

Harris, Joseph
Rodeschin, Beverly

NAYS 89

BELKNAP

Dewhirst, Glenn	Holbrook, Robert	Millham, Alida	Rice, Thomas Jr
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CARROLL

Babson, David Jr	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Royce, H Charles

COOS

Davis, Perley	Rozek, Michael
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GRAFTON

Nordgren, Sharon	Ward, Brien
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HILLSBOROUGH

Allan, Nelson	Bergin, Peter	Bragdon, Peter	Buckley, Raymond
Cote, David	Daigle, Robert	Dionne, Kimberley	Dokmo, Cynthia
Drabinowicz, A Theresa	Eaton, Richard	Elliott, Larry	Flora, Kathleen
Hall, Betty	Hall, Charles	Herman, Keith	Holden, Randolph
Jean, Loren	Lefebvre, Roland	Leishman, Peter	Martin, Mary Ellen
McDonough-Wallace, Alice	McHugh, Claire	McRae, Karen	Messier, Irene
O'Connell, Timothy	Peterson, Andrew	Spiess, Paul	Sweeney, Cynthia
Thulander, O Alan	Wheeler, Robert	White, John	

MERRIMACK

Brewster, Richard	Clarke, Claire	Colcord, J D	Davis, Frank
Fraser, Leo Jr	Hager, Elizabeth	Kennedy, Richard	Langer, Ray
Lockwood, Priscilla	MacKay, James	Moore, Carol	Rodd, Beth

ROCKINGHAM

Bishop, Franklin	Bowles, Raimond	Case, Margaret	Clark, Martha Fuller
Dowling, Patricia	Johnson, Robert	Langley, Jane	Langone, John
McKinney, Betsy	Norelli, Terie	Power, Lucille	Reardon, Neil
Sapareto, Frank	Splaine, James		

STRAFFORD

Berube, Roger	Bickford, David	Dunlap, Patricia	Estabrook, Iris
Hughes, Christopher	Knowles, William	McCarthy, Gerald	Musler, George
Proulx, Raymond	Rollo, Michael	Smith, Marjorie	Snyder, Clair

SULLIVAN

Burling, Peter	Franklin, Peter	Leone, Richard	Phinizy, James
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and the report was adopted.

Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 556-FN-A, making certain appropriations to the department of cultural resources and the department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill encourages restoration and rehabilitation of historically and culturally significant buildings and structures through a public-private education process that will enhance creativity, flexibility and efficiency in such endeavors, with highest regard for life safety. Planned appropriation is \$70,000, offset by \$35,000 in private sector grants. Funds will be used for seminars and information dissemination in a variety of formats. The committee believes that the education provided to architects, engineers, building officials and municipalities will result in higher quality applications and projects under the LCHIP Programs. The amendment authorizes the accepting of grants and adds video/electronic methodologies as low cost tools. It also provides that expenditures will be in a matching grant format with no state funds expended until matched by private sector funds. Vote 15-1.

Amendment (2047h)

Amend the bill by replacing section 2 with the following:

2 Appropriations; Purposes; Authority to Accept Grants.

I. The sum of \$22,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of cultural resources to be used for matching grants for a minimum of 4 conferences on building rehabilitation and historic preservation to be held during the biennium. The purpose of these conferences shall be to assist municipal, county, and state officials, New Hampshire Main Street organizations, regional development corporations, regional planning commissions, property owners, design professionals, and non-profit organizations to understand and develop strategies for the successful preservation and rehabilitation of historic and culturally significant buildings and structures and older commercial and industrial buildings. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of cultural resources may **accept grants**, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of holding the conferences. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

II. The sum of \$48,000 is hereby appropriated for the biennium ending June 30, 2003 to the department of safety to be used for matching grants for contract services for the development, publication, and distribution of a handbook, and/or other media, that will include information on life safety, fire and building codes and standards, historic preservation codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The commissioner of safety may **accept grants**, services, and property from the federal government, foundations, organizations, and other entities as may be available for the purposes of paying the costs of this project. The state sums appropriated shall be a 50/50 matching grant against these federal and other sources of funds.

AMENDED ANALYSIS

This bill makes an appropriation to the department of cultural resources, and allows the commissioner to accept grants, for the purpose of holding 4 conferences on building rehabilitation and historic preservation. The bill also makes an appropriation to the department of safety, and allows the commissioner to accept grants, for contract services for the development, publication, and distribution of a handbook that will provide information on life safety, fire and building codes and standards, procedures and guidelines for local and state approval of preservation and rehabilitation projects, and resources available to assist political subdivisions, property owners, non-profit organizations, and developers with preservation and rehabilitation projects.

Adopted.

Report adopted and referred to Finance.

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, January 17, 2002 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 26, relative to probate court procedures regarding adoptions.

HB 668, relative to genetic testing.

SB 141, relative to proof of qualifications for voter registration.

SB 182-FN-A, establishing a brain injury program and making an appropriation therefor.

HB 465, relative to membership of attorneys in the New Hampshire Bar Association and lobbying by the Bar Association.

HB 285-FN-L, relative to the adoption of a state building code.

RECESS MOTION

Rep. Scanlan moved that the House stand in recess for the purposes of introduction of bills and receiving Senate messages only.

Adopted.

The House recessed at 1:55 p.m.

RECESS