HOUSE RECORD

First Year of the 159th General Court
Calendar and Journal of the 2005 Session

Vol. 27	Concord, N.H.	Wednesday, June 8, 2005	No. 50

HOUSE JOURNAL No. 17 (cont.)

Wednesday, June 1, 2005

RECESS

(Rep. Wendelboe in the Chair)
ENROLLED BILL AMENDMENTS

HB 299, establishing a committee to study state laws governing liens for labor and materials.

Amendment (1311 EBA)
Amend section 3 of the bill by replacing lines 6-7 with the following:
Builders and Remodelers Association of New Hampshire, the Association of Builders and Contractors, the Associated General Contractors of New Hampshire, and the Bankers
Adopted.

HB 303-FN, relative to the fire standards and training commission.

Amendment 1406-EBA)
Amend RSA 21-P:25, I as inserted by section 1 of the bill by replacing line 3 with the following:
standards for employment as [~~a~~] full-time [~~firefighter~~] ***fire service personnel***, establish minimum
Adopted.

HB 394, relative to real estate tax lien procedures for tax collectors.

Amendment (1272-EBA)
Amend RSA 80:64 as inserted by section 1 of the bill by replacing line 4 with the following:
subject to lien, certified by [~~him~~] ***the tax collector*** under oath to be true; the name of the ***current owner, if known, or***
Adopted.

HB 411, relative to North Conway water precinct.

Amendment (1380-EBA)
Amend section 1 of the bill by replacing line 2 with the following:

170 as amended by 1987, 417 by inserting after section 2-b the following new section:
Adopted.

HB 420, relative to receiving and addressing complaints against licensees by the board of mental health practice.

Amendment (1316-EBA)
Amend RSA 330-A:28, I-a as inserted by section 3 of the bill by replacing line 5 with the following:
investigation or disciplinary action against such licensee. If the chairperson of the board is recused
Adopted.

HB 449-FN, relative to special wild turkey seasons and permits.

Amendment (1327-EBA)
Amend section 2 of the bill by replacing line 3 with the following:
III. In addition to wild turkey licenses and permits issued under RSA 214:9, XI, the executive
Adopted.

HB 465-FN, authorizing the board of medicine to take non-disciplinary remedial action against physicians.

Amendment (1407-EBA)
Amend RSA 329:18-a, IV-a as inserted by section 9 of the bill by replacing line 2 with the following:
provisions of RSA 91-A, except that the board may disclose any final remedial action that affects the
Adopted.

HB 469, regulating disputes between homeowners and contractors relative to residential construction defects.

Amendment (1412-EBA)
Amend RSA 359-G:1 as inserted by section 1 of the bill by replacing line 3 with the following:
framework for discussion about an alleged defect. As part of this process, RSA 359-G:4, IV allows a
Amend RSA 359-G:2, II as inserted by section 1 of the bill by replacing line 2 with the following:
which contracts with a contractor for the construction, sale, substantial remodel or repair, or
Amend RSA 359-G:2, III as inserted by section 1 of the bill by replacing lines 4-6 with the following:
concerning the design, construction, modification, or repair of a residence about which a person has a complaint against a contractor. The term may include any physical damage to the residence, any appurtenance, or the real property on which the residence or appurtenance is affixed, proximately
Amend RSA 359-G:2, IV as inserted by section 1 of the bill by replacing line 3 with the following:
modification or repair of a new or existing residence, or construction, alteration, addition, or repair of
Amend RSA 359-G:4, IV as inserted by section 1 of the bill by replacing lines 2-9 with the following:

within 15 days of receiving a contractor's proposal, provide the contractor and its subcontractors, agents, experts, and consultants prompt and complete access to the residence to inspect the residence, document any alleged construction defect, and, if authorized in writing by the homeowner, perform any destructive or non-destructive testing required to fully and completely evaluate the nature, extent, and cause of the claimed defect and the nature and extent of any repairs or replacements that may be necessary to remedy the alleged defect. If destructive testing is authorized in writing by the homeowner, the contractor shall give the homeowner advance notice of such tests and shall, after completion of the testing, return the residence to a condition as close as reasonably

Amend RSA 359-G:4, VI as inserted by section 1 of the bill by replacing line 1 with the following:

VI. If a homeowner accepts a contractor's offer made pursuant to subparagraph V(a), (b), or

Amend RSA 359-G:4, X as inserted by section 1 of the bill by replacing line 4 with the following:

If no response is served upon the contractor within the 30-day period, then the offer shall be deemed

Amend RSA359-G:4, XII as inserted by section 1 of the bill by replacing line 1 with the following:

XII. Service of a written notice of claim pursuant to this chapter shall automatically toll the

Amend RSA 359-G:4, XIV(e) as inserted by section 1 of the bill by replacing line 3 with the following:

of reasonable diligence prior to the homeowner's purchase of the residence, and that was not caused to

Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

359-G:6 Release. If a homeowner accepts an offer made in compliance with this chapter and the contractor fulfills the offer in compliance with this chapter, the homeowner shall thereafter be barred

Amend section 2 of the bill by replacing it with the following:

2 Applicability. This act shall apply to all contracts entered into after the effective date

Adopted.

SB 164-FN, relative to the disposal of real property purchased with highway or turnpike funds. (Amendment printed SJ / /)

Adopted.

SENATE MESSAGES
CONCURRENCE

HJR 3, supporting the Portsmouth Naval Shipyard.

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 246, establishing a committee to study the classification of employees as independent contractors.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

HB 432-FN, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

HB 467, relative to naming private roads.

HB 514, establishing the New Hampshire health care quality assurance commission.

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities.

HB 619-FN, relative to skier safety and ski area responsibility.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the

Winnipesaukee River Basin project.
HB 691-FN-L, relative to the medicaid program.
SB 39, relative to disinternment of dead bodies.
SB 145-FN, establishing a medical/vision advisory board.
SB 222-FN, relative to cumulative trauma under workers' compensation.

NONCONCURRENCE

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system.
HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics.
HB 306, relative to mandatory education for crossbow hunters.
HB 392-FN, increasing the mileage reimbursement rate for members of the legislature.
HB 393, establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls.
HB 562, relative to eliminating certain mercury-added products.
HB 617-FN, establishing a commission to study the future role of court reporters in New Hampshire's court system.
HB 665-FN-L, relative to the applicable minimum wage for hourly employees.
HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education.

NONCONCURRENCE WITH AMENDMENT

SB 48-FN, prohibiting unlawful peering into the dwelling place of another.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 481, establishing a commission to study the location of the secure psychiatric unit and places to which persons are committed under RSA 651: 8-b, RSA 135-C, and RSA 171-B, and RSA 623:1

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 83, repealing the obligation to provide persons applying for a marriage license with a list of family planning services and with brochures on fetal alcohol syndrome and the human immunodeficiency virus.
The President appointed Sens. Roberge, Barnes and Burling.

HB 230-L, relative to default budgets.
The President appointed Sens. Boyce, Flanders and Hassan.

HB 313-FN, relative to registration of business entities.
The President appointed Sens. Kenney, Letourneau and Larsen.

HB 428, relative to clarifying the authority of the Pease development authority and the division of ports and harbors.
The President appointed Sens. Kenney, Letourneau and Fuller-Clark.

HB 513, relative to on-board diagnostic system inspections.
The President appointed Sens. Letourneau, Flanders and Burling.

HB 580, establishing a commission to study the procedures for the formation and dissolution of solid waste management districts under RSA 53-B and the procedures for the dissolution of an interstate waste compact under RSA 53-D.
The President appointed Sens. Odell, Bragdon and Burling.

RE-REFERRED TO COMMITTEE

HB 177, relative to home improvement contracts.
HB 505, relative to recording mailing addresses on property deeds.
HB 533-FN, relative to penalties for aggravated felonious sexual assault.
HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.
HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

RECESS

(Rep. Parkhurst in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 118, 174, 244, 275, 346, 362, 456, 584, 710 and Senate Bills numbered 156, 203 and 224.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES
CONCURRENCE

HB 205, relative to licensing requirements for certain drivers.
HB 261, relative to title to salvage vehicles.
HB 429, relative to representation by nonattorneys before the board of tax and land appeals and relative to condemnation proceedings conducted by the board of tax and land appeals.
HB 437, relative to the disposition of municipal records.
HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.
HB 522, establishing a committee to study gaming options for New Hampshire.
HB 603-FN-A, relative to the state's purchase of the Laconia district courthouse building and making an appropriation therefore.
HCR 6, urging Congress to enact legislation to make English the official language of the United States.
SB 23, relative to membership on the public water access advisory board.
SB 66, establishing a committee to study joint purchasing strategies for small business health insurance in New Hampshire and in northern New England.
SB 77, relative to the review of proposed health care provider contracts.
SB 78, relative to payment of health care providers by health carriers.
SB 105, granting the executive director of fish and game authority to promote hunting, fishing, and wildlife-related activities.
SB 165-FN, relative to the collection of tax debts from out-of-state debtors.
SB 187, relative to allowing alternative certified hazardous waste coordinator programs.
SB 215-FN, creating a committee to study alternatives for the disposal of construction and demolition debris.

NONCONCURRENCE

HB 61, extending the family law task force.
HB 302, relative to the mileage rate for service of documents by county sheriffs.
HB 359, defining "unnecessary hardship" for purposes of zoning variances.
HB 435, establishing a separate high school civics graduation requirement.
HB 535-FN-A, increasing the tobacco tax.

RE-REFERRED TO COMMITTEE

HB 66, regulating mandatory overtime for nurses and assistants.
HB 372, relative to notification of interested parties in medical parole cases.

RECESS

(Rep. Bergin in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 59, 78, 152, 157, 195, 199, 236, 286, 329, 440, 467, 487, 547, 568, 625, 672, and Senate Bills numbered 11, 17, 30, 39, 85, 93, 145, 150, 192, 222 and Senate Joint Resolution numbered 2.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 18

Wednesday, June 8, 2005

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

His Excellency, Governor John Lynch, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, The Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
O God of the ages, we gather here this morning to wrestle with challenges and opportunities which affect the way healthcare is provided and paid for in this state. Guide our thoughts and our presentations with Your spirit of discernment and wisdom. Help us to take the right risks today, to give honest and full expression to our best thoughts, to seek Your will above our own, and to render decisions which benefit the women, men and children of this state. In Your healing spirit and gracious name, we pray. Amen.

Rep. James E. Twombly led the Pledge of Allegiance.

The National Anthem was sung by Holly Winchell, a student at Plymouth State University and the daughter of Rep. George Winchell.

LEAVES OF ABSENCE

Reps. Albert, Daniuk, Lessard, Palangas and Philbrick, the day, illness.
Reps. Bishop, Callaghan, Doyle, Egbers, Patrick Garrity, Goodwin, Heald, Hellwig, Heon, Irish, Kaen, Klose and Paul Smith, the day, important business.
Rep. Theberge, the day, illness in the family.
Rep. Marjorie Smith, the day, death in the family.

INTRODUCTION OF GUESTS

Zahid Hafeez, Barry Hoffman, Roger Talanian, Parwez Wahid, Babar Khan, Mr. & Mrs. Mohammad Mobeen, Mr. & Mrs. Azmat Khawaja, Shuja and Roheela Saleem, Humyayun Kabeer, Salman and Romana Malik, Mohammad Nawaz,Zahid and Ayisha Malik, Adnan Tahir, Naheed Akhtar, Adeel Tahir and Howie Howe, guests of Rep. Tahir. Sgt. Shawn Bicknell and Cindy Bicknell, son and wife of Rep. Bicknell. Eugena Winchell and Cecile Soucy, wife and mother-in-law of Rep. Winchell. Beth O'Donnell, guest of Rep. Harding. Hon. Alan Bemis, former member and guest of Rep. Newton.

SPECIAL GUEST

Ambassador of Pakistan to the United States, Jehangir Karamat, addressed the House.

REGULAR CALENDAR

SPECIAL ORDER

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Finance: This bill is a follow-up to the pilot program operated by New Hampshire Legal Assistance in Littleton. The legislature appropriated $480,000 which in turn resulted in over $1,400,000 in benefits to New Hampshire people, which were both needed individually and contributed to a healthy economy. The program has been endorsed universally and therefore, as a next step, this bill establishes a Civil Legal Services fund supported by a court filing fee surcharge of $20.00 which will be used to establish and operate an office in Nashua and to provide in other New Hampshire Legal Assistance offices to further the good works produced in the Littleton pilot. Vote 19-3.

Rep. Vaillancourt spoke against.

Rep. Robert Wheeler spoke in favor and yielded to questions.

Rep. Balboni requested a roll call; sufficiently seconded.

The question being adoption of the committee report.

YEAS 226 NAYS 131			
YEAS 226			
BELKNAP			
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Thomas, John	
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Patten, Betsey
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Remick, William	Tholl, John Jr	
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Ward, John	
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carter, Mark	Chabot, Robert	Chase, Claudia	Christensen, D L Chris
Clayton, William	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Hansen, Ryan	Harvey, Suzanne	Hunter, Bruce	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Messier, Irene	Michon, Stephen
Moran, Edward	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Velez, Hector
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Blanchard, MaryAnn	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Priestley, Anne	Robertson, Carl	Rolston, James

Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Welch, David	Wells, Roger
Weyler, Kenneth	Wiley, Robert	Winchell, George	
STRAFFORD			
Berube, Roger	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Twombly, James
Wall, Janet			
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		
NAYS 131			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Rosen, Ralph	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Babson, David Jr	Chandler, Gene	Merrow, Harry	Olimpio, J Lisbeth
Stevens, Stanley			
CHESHIRE			
Dexter, Judson	Emerson, Susan	Pelkey, Stephen	Sawyer, Sheldon
COOS			
Merrick, Scott	Richardson, Herbert	Stohl, Eric	
GRAFTON			
Barker, Robert	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Solomon, Peter	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Buhlman, David	Carew, James	Carlson, Donald	Christiansen, Lars
Clark, Mark	Desmarais, Vivian	Elliott, Nancy	Francoeur, Bea
Gibson, John	Goyette, Peter Jr	Hawkins, Ken	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	Ober, Lynne	Pepino, Leo

Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Currier, David	Field, William	Greco, Vincent	Hess, David
Langlais, Thomas	Marple, Richard	Oliver, James	Reed, Dennis
Soltani, Tony	Tupper, Frank	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Camm, Kevin
Charron, Gene	Dodge, Robert	Dumaine, Dudley	Fesh, Bob
Garrity, James	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Johnson, Rogers	Lund, Howie
Moore, Benjamin	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Putnam, Ed II
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Stiles, Nancy
Weare, E Albert	Weldy, Norman	Zolla, William	
STRAFFORD			
Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		

and the committee report was adopted.
Reps. Coughlin and Matarazzo declared conflicts of interest and did not participate.
Referred to the Committee on Ways and Means.

SB 125-FN, repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Stephen T. DeStefano for the Majority of Commerce: This bill is the companion bill to HB 611 that was passed by the House 256-105 in March. Both the House and the Senate versions of SB 125-FN provide for substantial reform of the problems experienced in the small business health insurance market by the passage of SB 110 in 2003 (Chapter 188). SB 125, as did HB 611, eliminates the use of medical underwriting and geographic location from consideration in setting premium rates. The bill also places a band around premium rates charged to individual groups to a 3.5 to 1 ratio. This bill also creates a small employer health reinsurance mechanism that will allow insurers to look at health profiles of individuals within a group after premium rates are set for the purpose of "ceding" high risk individuals into a reinsurance pool. This will encourage new insurers with limited market penetration to participate in the small group market by affording them the opportunity to transfer costs that would be unacceptable in a small group to the reinsurance pool where the costs are spread over the whole market. This will help to relieve the financial burden that small group employers experience when one or two employees experience significant health problems. In order to cede an insured into the pool, the insurer must pay five times the annual insurance premium into the pool and absorb the first $5000 of claims expense. This will cost the insurer up to $30,000 per insured life for the right to cede the risk to the pool, limiting the

cost burden to be absorbed by the reinsurance mechanism. The only significant difference in the two bills is in the definition of who participates in the reinsurance pool. In HB 611, the costs incurred by the pool are assessed solely to insurers participating in the small group market. SB 125 expands participation in the pool to all insurance entities that provide coverage in New Hampshire. This spreads the costs associated with high risk individuals over a much broader base, which will help to take pressure off rates in the small business market. Since the underlying concept of insurance is to spread risk over as broad a base as possible, it seems only prudent to spread these costs over the entire market. Vote 12-8.
Rep. Sheila T. Francoeur for the Minority of Commerce: The committee has spent many hours working on this important issue, and we all agree that SB 110, passed in 2003, has problems and needs to be fixed. Everyone agreed in both the Senate and the House that the vast majority of the problems created by that bill existed in the groups of 1 and groups of 2-9. According to the New Hampshire Insurance Department these groups represent only several thousand people out of the 200,000 total in the small group market, or approximately 1%. In order to fix the problem, SB 125 proposes another radical change in our insurance regulations which will have a dramatic impact on the New Hampshire insurance market. SB 125 attempts to fix the problem. The unintended consequences of that are many of the new carriers who have recently come into the state have testified that they will leave. Others, such as AETNA Insurance, who are considering coming into the state, have said they will not. These companies have been offering new, innovative and cost effective plans such as Health Savings Accounts (HSA's). Additionally, the department estimates that over 45% of the small group market will experience a dramatic increase in health insurance rates. Finally, SB 125 will create a reinsurance pool which levies an assessment on every covered life in the state. The fiscal note attached to this bill estimates that this assessment will cost the state employee health insurance plan $250,000 the first year, increasing to almost $500,000 within four years. This assessment would also be levied against all county and municipal insurance plans. Health insurance companies, insurance agents, and small business organizations unanimously agree that the reinsurance mechanism included in SB 125 is too costly and administratively cumbersome. Concerns were also raised about the fact that the reinsurance mechanism in SB 125 is aimed at subsidizing the losses of health insurance companies and not reducing health insurance costs for small businesses. The minority believes that any major reforms to this market should be accompanied by a legislative oversight committee, however, supporters of SB 125 were unwilling to consider any changes to the Senate's version of this bill. The minority amendment will correct the problems created by passage of SB 110 in 2003. It will also attract new insurance carriers to the state while encouraging those currently in the state who offer innovative, creative and affordable products to stay. The end result will be a stable market place serving the people of New Hampshire.
Rep. Sheila Francoeur offered the minority committee amendment (1578h)

Minority Amendment (1578h)

Amend the title of the bill by replacing it with the following:
AN ACT repealing geographic location as a small group rating factor and limiting overall premium rate variability in the small group health insurance market.
Amend the bill by replacing all after the enacting clause with the following:

1 Small Group Health Insurance; Definitions Added. RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer health carrier is in compliance with the provisions of and the rules adopted by the commissioner, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer health carrier in establishing premium rates for applicable health benefit plans.

I-a. "Case characteristics" means demographic or other relevant characteristics of a

small employer group that may be considered by the health carrier in the determination of premium rates for that group.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph II the following new paragraph:

II-a. "Composite billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's family composition.

3 Definition Changed. Amend RSA 420-G:2, IX-a to read as follows:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the [~~base~~] ***market*** rate through the application of ***plan*** factors that reflect actuarially demonstrated differences in expected utilization [~~or cost~~] ***and health care costs*** attributable to differences in the coverage design and/or the provider contracts that support the coverage ***and by including provisions for administrative costs and loads. The health coverage plan rate is periodically adjusted to reflect expected changes in the market rate, utilization, health care costs, administrative costs, and loads***.

4 Definition Added. Amend RSA 420-G:2, XII-a to read as follows:

XII-a. ***"List billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's attained age and the enrolled employee's family composition.***

XII-b. "Loss information" means the aggregate claims experience and shall include, but not be limited to, the number of covered lives, the amount of premium received, the amount of total claims paid, and the claims loss ratio. "Loss information" shall not include any information or data pertaining to the medical diagnosis, treatment, or health status that identifies an individual covered under the group contract or policy. Catastrophic claim information shall be provided as long as the provision of this information would not compromise any covered individual's privacy.

5 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XII-b the following new paragraph:

XII-c. "Market rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and, separately, the small employer group health insurance market, and which is periodically adjusted by the carrier to reflect changes in actual or anticipated claims.

6 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. "Premium rate" means the rates used by a carrier to calculate the premium. For group coverage, premium rates shall be expressed as a rate per enrolled employee.

7 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Rating period" means the time period for which the premium rate charged by a health carrier to an individual or a small employer for a health benefit plan is in effect.

8 Premium Rates. Amend RSA 420-G:4, I(a) to read as follows:

(a) All [~~premiums~~] ***premium rates*** charged shall be guaranteed for a rating period of at least 12 months, [~~unless otherwise allowed by the commissioner~~] ***and shall not be changed for any reason, including but not limited to a change in the group's case characteristics***.

9 Small Group Insurance; Premium Rates. Amend RSA 420-G:4, I(e) to read as follows:

(e) In establishing the premium charged, health carriers [~~providing~~] ***offering*** coverage to small employers shall calculate [~~a rate~~] ***premium rates*** that [~~is~~] ***are*** derived from the health coverage plan rate [~~through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status~~] ***by making adjustments to reflect one or more case characteristics***. Such

[~~factors~~] ***adjustments from the health coverage plan rate*** may be [~~utilized~~] ***made*** only in accordance with the following limitations:

(1) [~~Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19~~]. ***In establishing the premium rates, health carriers offering coverage to small employers may use only age, group size, industry classification, health status, claims experience, and duration of coverage as case characteristics. No consideration shall be given to geographic location or any other characteristic of the group.***

(2) Carriers [~~modifying such average premium~~] ***making adjustments from the health coverage plan rate*** for age may do so only by using the following age brackets:

0 - 18
19 - 24
25 - 29
30 - 34
35 - 39
40 - 44
45 - 49
50 - 54
55 - 59
60 - 64
65 +

(3) [~~Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.~~

~~(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.~~

~~(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.~~

~~(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:~~

~~(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.~~

~~(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.~~

~~(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.~~

~~(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.~~] ***The maximum premium rate differential after adjusting for all case characteristics as determined by ratio shall be 4 to 1 for a covered person whose attained age is greater than 18. For groups of one the maximum premium rate differential of 4 to 1 may be increased by an additional 10 percent.***

(4) In establishing the premium rates, health carriers offering

coverage to small employers may make further adjustments based on health plan membership type.

(5) The small employer health carrier shall set premium rates to small employers after consideration of case characteristics of the small employer group as well as the health plan membership type.

(6) Carriers may calculate premium rates using either list billing or composite billing. Carriers shall use the same billing method in all succeeding rating periods unless the carrier has provided the small employer notice of the change in billing method and a renewal quote using the new rating methodology at least 60 days prior to the end of the rating period.

(7) The percentage increase in the premium rates for a new rating period shall not exceed 15 percent of the premium rates used by that carrier in the preceding rating period. Such rate increase limitation shall not include any premium rate increase that is based on changes in the health coverage plan rate.

10 Reference Change. Amend RSA 420-G:4, I(b) to read as follows:

(b) [~~Base rate~~] ***Market rate*** shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

11 Legislative Oversight Committee. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the [~~effect of SB 110 of the 2003 legislative session~~] ***effects of small group health insurance reform***. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

12 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill makes certain changes in the small employer health insurance law, including:

I. Repealing geographic location as a rating factor for small group health insurance.

II. Adding a definition of case characteristics and certain other definitions.

III. Limiting overall premium rate variability in the small group health insurance market.

(Deputy Speaker Weyler in the Chair)

Reps. Stepanek and Sheila Francoeur spoke in favor.
Reps. DeStefano spoke against and yielded to questions.
Rep. Hunt and Charles Clark spoke in favor and yielded to questions.
Reps. Kidder, Daniel Eaton and Marshall Quandt spoke against.

(Speaker Scamman in the Chair)

Rep. Charles Clark requested a roll call; sufficiently seconded.
The question being adoption of the minority amendment (1578h).

YEAS 151 NAYS 217			
YEAS 151			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Veazey, John	Whalley, Michael

CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Morneau, Renney	
GRAFTON			
Alger, John	Barker, Robert	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Williams, Burton
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Chabot, Robert
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Francoeur, Bea	Golding, William	Gonzalez, Carlos
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Stepanek, Stephen
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Danforth, James	Field, William	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas	MacKay, James
Oliver, James	Reed, Dennis		
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Dalrymple, Janeen	Dodge, Robert	Donahue, Richard Ken
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Rogers	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Morris, Richard	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Rausch, James	Sanders, Elisabeth

Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Wells, Roger
Winchell, George	Zolla, William		
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford	Twombly, James		
SULLIVAN			
Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 217			
BELKNAP			
Millham, Alida	Morrison, Gail	Pilliod, James	Tobin, William
Wendelboe, Fran			
CARROLL			
Babson, David Jr	Buco, Thomas	Dickinson, Howard	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clayton, William	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Essex, David	Foster, Linda	Gargasz, Carolyn
Gibson, John	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hirschmann, Keith	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony	Messier, Irene	Michon, Stephen

	Sr		
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Ulery, Jordan
Velez, Hector			
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kidder, David	Lockwood, Priscilla	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bettencourt, David	Blanchard, MaryAnn
Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Flockhart, Eileen	Forsing, Robert
Garrity, James	Gould, Kenneth	Hughes, Daniel	Johnson, Robert
Kobel, Rudolph	Langley, Jane	Mason, April	Moody, Marcia
Moore, Benjamin	Norelli, Terie	Nowe, Ronald	Pantelakos, Laura
Powers, James	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Rolston, James	Scamman, Stella
Serlin, Christopher	Splaine, James	Stone, Joseph	Welch, David
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the minority amendment (1578h) failed.
Rep. Marple declared a conflict of interest and did not participate.

The question now being adoption of the committee report.
Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 280 NAYS 89			

YEAS 280			
BELKNAP			
Allen, Janet	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Thomas, John	Tobin, William	Wendelboe, Fran
CARROLL			
Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Olimpio, J Lisbeth	Patten, Betsey	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton
HILLSBOROUGH			
Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chase, Claudia	Clayton, William
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Essex, David	Foster, Linda	Gargasz, Carolyn	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kelly, Eugene Jr	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice

Price, Pamela	Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Ulery, Jordan	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Kidder, David
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Blanchard, MaryAnn	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Casey, Kimberley	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Garrity, James
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Johnson, Robert	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Mason, April	McKinney, Betsy
Moody, Marcia	Moore, Benjamin	Norelli, Terie	Nowe, Ronald
O'Neil, Michael	Palazzo, Frank	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Snyder, Clair
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	
NAYS 89			

BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Rosen, Ralph	Russell, David	Tilton, Franklin	Veazey, John
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Chandler, Gene	Martin, James	McConkey, Mark
Merrow, Harry	Stevens, Stanley		
CHESHIRE			
Foote, Sheila	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
COOS			
None			
GRAFTON			
Alger, John	Barker, Robert	Eaton, Stephanie	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Biundo, Michael	Boehm, Ralph	Chabot, Robert	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Francoeur, Bea	Golding, William
Hawkins, Ken	Kurk, Neal	Lawrence, James	McRae, Karen
Mead, Robert	Moran, Edward	O'Brien, William	Ober, Lynne
Renzullo, Andrew	Slocum, Lee	Stepanek, Stephen	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		
MERRIMACK			
Anderson, Eric	Field, William	Hess, David	L'Heureux, Stephen
ROCKINGHAM			
Allen, Mary	Belanger, Ronald	Bridle, Russell	Carson, Sharon
Charron, Gene	Coburn, James	Dodge, Robert	Donahue, Richard Ken
Dumaine, Dudley	Francoeur, Sheila	Gilbert, Karl	Headd, James
Hopfgarten, Paul	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Lund, Howie	Major, Norman	McMahon, Charles
Morris, Richard	Packard, Sherman	Parker, Benjamin	Waterhouse, Kevin
Winchell, George			
STRAFFORD			
Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford	Twombly, James		
SULLIVAN			
Osgood, Philip Sr			

and the committee report was adopted.
Ordered to third reading.
Rep. Marple declared a conflict of interest and did not participate.

The House recessed at 12:05 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:10 p.m.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 125, relative to ignition interlock devices. (Amendment printed SJ 05/19/05)
Rep. Welch moved that the House concur.
Rep. Tholl spoke in favor.
Adopted.

HB 129-FN-L, establishing a high performance school incentive. (Amendments printed SJ 05/26/05)
Rep. Stephen L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 132, relative to the grounds for dismissal of a teacher. (Amendment printed SJ 05/26/05)
Rep. Stephen L'Heureux moved that the House concur and spoke in favor.
On a division vote, 185 members having voted in the affirmative and 93 in the negative, the motion was adopted.

HB 248, authorizing semi-annual payments of school building aid. (Amendments printed SJ 05/26/05)
Rep. Stephen L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 557, relative to the submission of data to the department of education. (Amendment printed SJ 06/02/05)
Rep. Stephen L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. (Amendments printed SJ 05/26/05)
Rep. Welch moved that the House concur and spoke in favor.
Adopted.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. (Amendment printed SJ 05/26/05)
Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 354, relative to the review, approval, and adoption of agency rules. (Amendment printed SJ 06/02/05)
Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 415, excepting installation of heating equipment from regulation by the electrician's board. (Amendment printed SJ 06/02/05)
Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 597-FN-A, relative to the natural heritage inventory program. (Amendment printed SJ 05/26/05)
Reps. Bergin and Major moved that the House concur.
Rep. Bergin spoke in favor.
On a division vote, 253 members having voted in the affirmative and 64 in the negative, the motion was adopted.

HB 478-FN-A, making an appropriation for "Newsline for the Blind." (Amendment printed SJ 05/26/05)
Rep. Emerton moved that the House concur and spoke in favor.
Adopted.

HB 257, relative to emergency medical and trauma service protocols and quality assurance program. (Amendment printed SJ 06/02/05)
Reps. Batula and Bergin moved that the House concur.
Rep. MacKay spoke in favor.
Adopted.

HB 269, establishing a statutory committee for the protection of human research subjects. (Amendment printed SJ 05/26/05)
Rep. Batula moved that the House concur and spoke in favor.
Adopted.

HB 158, relative to Auburn, Exeter, and Hampton District Courts. (Amendment printed SJ 05/26/05)
Rep. Dokmo moved that the House concur and spoke in favor.
Adopted.

HB 618-FN-L, relative to persons acting as volunteers to a state agency. (Amendment printed SJ 05/26/05)
Rep. Bridle moved that the House concur and spoke in favor.
Adopted.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library. (Amendment printed SJ 05/26/05)
Rep. Patten moved that the House concur and spoke in favor.
Adopted.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. (Amendment printed SJ 05/26/05)
Rep. Major moved that the House concur and spoke in favor.
Adopted.

HB 69, relative to large groundwater withdrawals. (Amendment printed SJ 06/02/05)
Rep. Currier moved that the House concur and spoke in favor.
On a division vote, 261 members having voted in the affirmative and 51 in the negative, the motion was adopted.

HB 255, establishing a committee to study the pricing of milk. (Amendment printed SJ 5/12/05)
Rep. Babson moved that the House nonconcur and spoke in favor.
Adopted.

HCR 2, declaring October 27 to be Boston Red Sox Day. (Amendment printed SJ 05/26/05)
Rep. Hunt moved that the House nonconcur and spoke in favor.
Adopted.

HB 586, relative to the periodic review of child support guidelines. (Amendment printed SJ 06/02/05)
Rep. McRae moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Bickford, McRae, Cady and Walz.

HB 145, relative to the healthy kids corporation. (Amendment printed SJ 05/26/00)
Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Stepanek, Stella Scamman, DeStefano and Hunt.

HB 583, establishing an oversight committee to study medical malpractice insurance rates in this state. (Amendment printed SJ 06/02/05)
Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Stepanek, Headd, McLeod and Sheila Francoeur.

HB 204-FN, relative to unauthorized video surveillance. (Amendment printed SJ 15/26/05)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Tholl, Stevens, Charron and Knowles.

HB 468, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Amendment printed SJ 06/02/05)
Rep. Welch moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Knowles, Stevens, Bicknell and Villeneuve.

HB 366, relative to maintenance of voter checklists. (Amendment printed SJ 06/02/05)
Rep. Whalley moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. O'Brien, Drisko, Boemn and Claudia Chase.

HB 168, relative to the licensure of electrologists and establishing an electrology advisory committee. (Amendment printed SJ 06/02/05)
Rep. Bergin moved that the House nonconcur and request a Committee of Conference.

Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Dalrymple, Dexter, Sullivan and Pilotte.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire Day. (Amendment printed SJ 05/26/05)
Rep. Hunt moved that the House nonconcur and request a Committee of Conference.
On a division vote, 162 members having voted in the affirmative and 140 in the negative, the motion was adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Paul Smith, Easson, Rollo and Currier.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. (Amendment printed SJ 05/26/05)
Rep. Patten moved that the House nonconcur and request a Committee of Conference.
Rep. Kurk spoke in favor.
Adopted.
The Chair announced that on behalf of the House, the Speaker appointed Reps. Stohl, Patten, Boyce and Prichard.

(Speaker Scamman in the Chair)

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. (Amendments printed SJ 05/26/05)
Rep. Coughlin moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Coughlin, Twombly, Heon and Rolston.

HB 357, relative to negligent driving. (Amendment printed SJ 06/02/05)
Rep. Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Packard, Nedeau, Ferland and Danforth.

HB 720-FN, relative to special number plates. (Amendment printed SJ 05/26/05)
Rep. Packard moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Packard, Nedeau, Ferland and Danforth.

NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE

SB 5, establishing a commission to study the state park system.
The President appointed Sens. Johnson, Gallus and Larsen.
Rep. Currier moved that the House accede.
Adopted.
The Speaker appointed Reps. Currier, Irish, Sanders and Parkhurst.

SB 142, extending the reporting date of the commission to study issues relative to groundwater withdrawals.
The President appointed Sens. Johnson, Odell and D'Allesandro.
Rep. Currier moved that the House accede.
Adopted.
The Speaker appointed Reps. Currier, Goyette, Chris Christensen and Spang.

SB 62-FN, allowing court fees to be paid by credit card.

The President appointed Sens. D'Allesandro, Clegg and Odell.
Rep. Major moved that the House accede.
Adopted.
The Speaker appointed Reps. Camm, Jasper, Hinkle and Almy

REGULAR CALENDAR (CONT'D.)

SB 170, revising the nurse practice act. **OUGHT TO PASS WITH AMENDMENT**
Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This is a major revision of the nurse practice act, the first major revision in decades. This bill clarifies the parameters of Scope of Practice for all nurses and also clarifies the difference between Advanced Registered Nurse Practitioner (ARNP) categories and Scope of Practice. The committee felt that it was important to assure legislative approval for Scope of Practice. No new advanced specialty categories that have not been approved by a national credentialing body may be recognized by the New Hampshire board without the approval of the legislature. This bill also addresses the separate issue of how advanced registered nurse practice specialty categories are created through national accrediting bodies approved by the New Hampshire State Board of Nursing. Continuing competence requirements were reviewed and delineated. The bill retains the criminal background checks required for New Hampshire nurses but does not require such checks for compact nurses. This differentiation is necessary for New Hampshire to participate in the multi-state nursing compact which was approved in previous legislation. This bill includes a duty to warn and privileged communication requirements for all licensees. Some members of the committee felt that this provision should be restricted (as it is today) to psychiatric ARNPs who have a therapeutic relationship with clients. Vote 14-0.

Amendment (1696h)

Amend RSA 326-B:1 as inserted by section 1 of the bill by replacing it with the following:

326-B:1 Purpose. In order to safeguard the life, health, and public welfare of the people of New Hampshire and in order to protect the people of the state from the unauthorized, unqualified, and improper application of services by individuals in the practice of nursing, it is necessary that a regulatory authority be established and adequately funded. To further this policy, the practice of nursing shall be regulated through the New Hampshire board of nursing, and such board shall have the power to enforce the provisions of this chapter. Licensees under this chapter are accountable to clients, the nursing profession, and the board for complying with the requirements of this act and the quality of nursing care rendered, and for recognizing limits of knowledge and experience and planning for management of situations beyond the licensee's experience.

Amend RSA 326-B:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse currently licensed by the board under RSA 326-B:18.

Amend RSA 326-B:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "Continuing competence" means integrated learning by which a licensee gains, maintains, or refines practice knowledge, skills, and abilities. This development may occur through a formal education program, continuing education, and clinical practice, and is expected to continue throughout the practitioners' career.

Amend RSA 326-B:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Licensed practical nurse" or "LPN" means an individual who holds a current license to practice practical nursing as defined in paragraph IX.

Amend RSA 326-B:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Nursing" means assisting clients or groups of clients to attain or maintain optimal health by implementing a strategy of care to accomplish defined goals and by evaluating responses to nursing care and medical treatment. Nursing includes basic health care that helps both clients and groups of clients cope with difficulties in daily living

associated with their actual or potential health or illness status and also those nursing activities that require a substantial amount of scientific knowledge or technical skill.

Amend RSA 326-B:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Establish reasonable and uniform standards for nursing practice consistent with the criteria identified by the National Council of State Boards of Nursing.

Amend RSA 326-B:4, XIII and XIV as inserted by section 1 of the bill by replacing them with the following:

XIII. Establish and collect fees, under rules adopted by the board under RSA 541-A, relative to applicants seeking any type of license issued by the board under this chapter, including fees for applications for temporary licenses, reinstatement of inactive licenses, license by examinations, and renewal of licenses, as well as fees for verifying license status, program graduation, or computerized lists.

XIV. Require a registered nurse or a licensed practical nurse licensed in the state of New Hampshire to obtain a multistate license if the registered nurse or licensed practical nurse practices in a remote state.

Amend RSA 326-B as inserted by section 1 of the bill by deleting RSA 326-B:9 and renumbering the original RSA 326-B:10 - 47 to read as RSA 326-B:9 - 46, respectively.

Amend RSA 326-B:9, III as inserted by section 1 of the bill by replacing it with the following:

III. Recognition of national certifying bodies issuing specialty certifications required for licensure as an ARNP which shall also be recognized by the National Council of State Boards of Nursing.

Amend RSA 326-B:9, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Continuing competence requirements.

Amend RSA 326-B:9, XI as inserted by section 1 of the bill by replacing it with the following:

XI. The implementation and coordination of the nurse licensure compact adopted in RSA 326-B:46. The board shall use model rules developed for the nurse licensure compact by the National Council of State Boards of Nursing as the basis for adopting rules which shall be modified as necessary to comply with state statutes.

Amend RSA 326-B:11 as inserted by section 1 of the bill by replacing it with the following:

326-B:11 Scope of Practice and Authority; Advanced Registered Nurse Practitioner.

I. Advanced registered nursing practice by nurse practitioners shall consist of a combination of knowledge and skills acquired in basic nursing education. The ARNP scope of practice, with or without compensation or personal profit, shall be limited to:

(a) Performing acts of advanced assessment, diagnosing, prescribing, selecting, administering, and providing therapeutic measures and treatment regimes;

(b) Obtaining consultation, planning, and implementing collaborative management, referral, or transferring the care of the client as appropriate; and

(c) Providing such functions common to a nurse practitioner for which the ARNP is educationally and experientially prepared and which are consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty.

II. An ARNP shall practice within standards consistent with standards established by a national credentialing or certification body recognized by the National Council of State Boards of Nursing and approved by the board in the appropriate ARNP role and specialty. The board shall not approve a new advanced practice specialty category that has not been developed by a national credentialing or certifying body recognized by the National Council of State Board of Nursing and without approval of the legislature under RSA 332-G:6. Each ARNP shall be accountable to clients and the board:

(a) For complying with this chapter and the quality of advanced nursing care rendered;

(b) For recognizing limits of knowledge and experience and planning for the management of situations beyond the ARNP's expertise; and

(c) For consulting with or referring clients to other health care providers as appropriate.

III. An ARNP shall have plenary authority to possess, compound, prescribe, administer, and dispense and distribute to clients controlled and non-controlled drugs in accordance with the formulary established by the joint health council and within the scope of the ARNP's practice as defined by this chapter. Such authority may be denied, suspended, or revoked by the board after notice and the opportunity for hearing, upon proof that the authority has been abused.

IV. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend the introductory paragraph of RSA 326-B:12, I as inserted by section 1 of the bill by replacing it with the following:

I. An RN shall, with or without compensation or personal profit, practice nursing that incorporates caring for all clients in all settings, is guided by nursing standards consistent with standards established by the National Council of State Boards of Nursing and approved by the board, and shall be limited to:

Amend RSA 326-B:12 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend the introductory paragraph and subparagraph (a) of RSA 326-B:13, I as inserted by section 1 of the bill by replacing it with the following:

I. An LPN shall, with or without compensation or personal profit, practice under the supervision of an RN, ARNP, licensed physician, or dentist. Such practice is guided by nursing standards established by the National Council of State Boards of Nursing and approved by the board, and shall be limited to:

(a) Collecting data and conducting focused nursing assessments of the health status of clients.

Amend RSA 326-B:13 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend RSA 326-B:14, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Form a relationship, communicate, and interact effectively with individuals and groups.

Amend RSA 326-B:14, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The task has been properly delegated to the nursing assistant by the supervising licensed nurse pursuant to RSA 326-B:28.

Amend RSA 326-B:14 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

Amend RSA 326-B:16, V as inserted by section 1 of the bill by replacing it with the following:

V. Meet continuing competence requirements as defined in rules adopted under RSA 541-A.

Amend RSA 326-B:18, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Have graduated with a graduate degree earned in an accredited advanced registered nurse practitioner education program or have graduated before July 1, 2004 from an ARNP education program accredited by a national accrediting body;

Amend RSA 326-B:22 as inserted by section 1 of the bill by replacing it with the following:

326-B:22 License Renewal; All Licensees:

I. All license renewals shall be issued biennially.

II. Any person licensed who intends to continue practicing as a nurse or nursing assistant shall:

(a) By midnight on his or her date of birth in the renewal year submit a completed application and fees as established by the board;

(b) Report any pending criminal charges, criminal convictions, or plea arrangements in lieu of convictions;

(c) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made;

(d) Meet continuing competence requirements as defined in rules adopted under RSA 541-A;

(e) For those licensees applying for renewal following disciplinary action, comply with all board licensure requirements as well as any specific requirements set forth in the board's discipline order; and

(f) Meet other criteria as established by the board.

III. Failure to renew the license shall result in forfeiture of the ability to practice nursing or nursing activities in the state of New Hampshire.

Amend RSA 326-B:23, I as inserted by section 1 of the bill by replacing it with the following:

I. An individual who applies for license reinstatement who does not meet the continuing competence requirements shall demonstrate current nursing or nursing assistant knowledge and skill, as defined in rules adopted by the board under RSA 541-A.

Amend RSA 326-B:23 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Application for reinstatement of a license which has lapsed under this section shall include payment of a reinstatement fee and be made, and granted or denied, in accordance with rules adopted by the board pursuant to RSA 541-A.

Amend RSA 326-B:24 as inserted by section 1 of the bill by replacing it with the following:

326-B:24 Temporary Licenses; All Licensees.

I. The board may issue temporary licenses, as provided in paragraph II, to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 120 days, whichever is less.

II. The following applicants for licensure as RNs or LPNs may be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

III. Applicants described in paragraph II who have received temporary licenses shall practice only under the supervision of an RN currently licensed in New Hampshire.

Amend the section heading of RSA 326-B:29 as inserted by section 1 of the bill by replacing it with the following:

326-B:29 Delegation; Circumstances Not Subject to Disciplinary Action by the Board of Nursing.

Amend RSA 326-B:29, II as inserted by section 1 of the bill by replacing it with the following:

II. No person may coerce an RN or an LPN into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety except as provided in RSA 326-B:37, II(h)(2).

Amend RSA 326-B:32, I as inserted by section 1 of the bill by replacing it with the following:

I. The board shall establish standards for the establishment and outcomes for nursing and nursing assistant education programs intended to prepare students for licensure or for certification, including clinical learning experiences. The board shall approve, disapprove, or withdraw approval for such programs that meet or fail to meet the requirements of this chapter. An educational institution or other entity conducting such an education program shall comply with paragraphs II and III and rules adopted by the board pursuant to RSA 541-A.

Amend RSA 326-B:33 as inserted by section 1 of the bill by replacing it with the following:

326-B:33 Duty to Warn of Violent Acts of Client; Civil Liability.

I. Any licensee, or person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment, has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to the ARNP or the person working under an ARNP licensee, or person working under the supervision of a licensee, a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or a serious threat of substantial damage to real property.

II. The duty may be discharged by the licensee, or a person working under the supervision of a licensee to provide services that are customary and necessary for diagnosis or treatment by making reasonable efforts to communicate the threat to the victim or victims, notifying the police department closest to the client's or potential victim's residence, or obtaining civil commitment of the client to the state mental health system.

III. No monetary liability or cause of action based on breach of client privacy, confidentiality, or any other ground shall arise from an act or communication done in a good faith effort to discharge a duty in accordance with paragraph II.

Amend RSA 326-B:35 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

Amend the section heading of RSA 326-B:44 as inserted by section 1 of the bill by replacing it with the following:

326-B:44 Certified Midwifery Not the Practice of Nursing

Amend the bill by replacing section 6 with the following:

6 Pharmacies; Definitions. Amend RSA 318:1, I-a to read as follows:

I-a. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA [~~326-B:10~~] ***326-B:18***.

Amend the bill by replacing sections 8 - 13 with the following:

8 Controlled Drug Act; Definitions. Amend RSA 318-B:1, I-b to read as follows:

I-b. "Advanced registered nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA [~~326-B:10~~] ***326-B:18***.

9 Respiratory Care Practice Act; Definitions. Amend RSA 326-E:1, V to read as follows:

V. "Nurse practitioner" means a person licensed to practice as an advanced registered nurse practitioner in this state pursuant to RSA [~~326:B~~] ***326-B:18***.

10 Mental Health Practice; Definitions. Amend RSA 330-A:2, VIII to read as follows:

VIII. "Psychotherapist" means a psychologist, clinical social worker, pastoral psychotherapist, clinical mental health counselor, or marriage and family therapist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA [~~326-B:10~~] ***326-B:18*** as psychiatric nurse practitioners.

11 Mental Health Practice; Penalties. Amend RSA 330-A:23, I to read as follows:

I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in mental health practice unless that person is licensed by the board, working as a candidate under the direct supervision of a person licensed by the board, or engaged in the practice of other mental health services as an alternative provider as defined in RSA 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, a pastoral psychotherapist, a clinical social worker, a clinical mental health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any variation thereof, in such person's title unless that person is licensed by the board or working as a candidate under the direct supervision of a person licensed by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA [~~326-B:10~~] ***326-B:18*** may refer to themselves as psychotherapists.

12 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I(e) to read as follows:

(e) The psychotherapy activities and services of physicians licensed under RSA 329, and advanced registered nurse practitioners, licensed under RSA [~~326-B:10~~] ***326-B:18***.

13 Insurance; Coverage for Mental or Nervous Conditions. Amend RSA 415:18-a, V(d) to read as follows:

(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~~] ***326-B:18***, 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.

Amendment adopted.

Rep. Pillotte offered floor amendment (1729h).

Floor Amendment (1729h)

Amend RSA 326-B:4, XIII and XIV as inserted by section 1 of the bill by replacing them with the following:

XIII. Establish and collect fees, under rules adopted by the board pursuant to RSA 541-A, relative to applicants seeking any type of license issued by the board under this chapter, including fees for applications for temporary licenses, reinstatement of inactive licenses, license by examinations, renewal of licenses, and multistate licenses, as well as fees for verifying license status, program graduation, or computerized lists.

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

Amend RSA 326-B:11, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The following specialty areas:

(1) Nurse midwife.

(2) Pediatric nurse practitioner.
(3) Family nurse practitioner.
(4) Women's health nurse practitioner.
(5) Adult nurse practitioner.
(6) Geriatric nurse practitioner.
(7) School nurse practitioner.
(8) Psychiatric/mental health nurse practitioner.
(9) Emergency/trauma nurse practitioner.
(10) Neo-natal nurse practitioner.
(11) Certified registered nurse anesthetist.
(12) Acute care nurse practitioner.
(13) Community health nurse practitioner.
(14) Reproductive health nurse practitioner.
(15) Oncology nurse practitioner.
(16) Palliative care nurse practitioner.
(17) Wound care nurse practitioner.

Amend RSA 326-B:29, II as inserted by section 1 of the bill by replacing it with the following:

II. No person may coerce an RN or an LPN into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety.

III. No person may coerce a licensee to accept delegation of a nursing activity or task when such delegation may compromise client safety. A licensee shall not be subject to disciplinary action for refusing to accept delegation when the licensee believes that such delegation may compromise client safety.

Rep. Pilotte spoke in favor.
Rep. Millham spoke against.
On a division vote, 26 members having voted in the affirmative and 314 in the negative, floor amendment (1729h) failed.

The question being adoption of the committee report.
Rep. Souza spoke against.

MOTION TO LAY ON THE TABLE

Rep. Hagan moved that ***SB 170,*** revising the nurse practice act, be laid on the table.
Rep. Buhlman requested a roll call; sufficiently seconded.
The question being adoption of the motion to lay SB 170 on the table.

YEAS 87 NAYS 273			
YEAS 87			
BELKNAP			
Boyce, Laurie	Tilton, Franklin	Tobin, William	Wendelboe, Fran
CARROLL			
Dickinson, Howard			
CHESHIRE			
None			

COOS			
Morneau, Renney	Richardson, Herbert		
GRAFTON			
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce
Infantine, William	Lawrence, James	Mead, Robert	Mooney, Maureen
Renzullo, Andrew	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Field, William	Kennedy, Richard	Langlais, Thomas	Soltani, Tony
Whiting, Herbert			
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
DiFruscia, Anthony	Dodge, Robert	Donahue, Richard Ken	Dumaine, Dudley
Garrity, James	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Johnson, Rogers	Katsakiores, Phyllis	McMahon, Charles	Morris, Richard
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Waterhouse, Kevin
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	Zolla, William
STRAFFORD			
Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey
Twombly, James			
SULLIVAN			
Osgood, Philip Sr	Rodeschin, Beverly		
NAYS 273			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Veazey, John	Whalley, Michael	

CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Stohl, Eric	Tholl, John Jr
GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	
HILLSBOROUGH			
Baroody, Benjamin	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Campbell, David	Carter, Mark	Chase, Claudia
Christensen, D L Chris	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kelly, Eugene Jr
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Moran, Edward
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald

Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Oliver, James
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Asselin, Michael	Blanchard, MaryAnn	Bridle, Russell
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Dowd, John	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hughes, Daniel	Hutchinson, Karen	Introne, Robert
Johnson, Robert	Katsakiores, George	Kobel, Rudolph	Langley, Jane
Major, Norman	Mason, April	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Powers, James	Priestley, Anne
Putnam, Ed II	Rausch, James	Robertson, Carl	Sanders, Elisabeth
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert	Welch, David	Wells, Roger
Winchell, George			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Newton, Clifford	Rollo, Michael	Rous, Emma	Schmidt, Peter
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

and the motion to lay SB 170 on the table failed.
Committee report adopted and ordered to third reading.
Rep. Kris Roberts declared a conflict of interest and did not participate.

SPECIAL ORDER

SB 196, requiring a hearing when medical malpractice insurance rates change.
INEXPEDIENT TO LEGISLATE
Rep. James F. Headd for Commerce: New Hampshire is a "file and use" state meaning the insurance carrier establishes a date then files for insurance department approval. The carrier that offers medical malpractice insurance coverage traditionally files its new rates with the department two to three months before implementing them. This is done because the carriers do not want to incur the information technology cost to set up and then be faced

with the prospect of having to reconfigure. Additionally, a right of appeal already exists in statute for persons or other entities who believe they are being overcharged. The committee felt that there is currently no problem with the way these rates are filed. Vote 16-2.
Reps. Buzzell, Daniel Eaton, and Marshall Quandt spoke against.
Reps. Headd and Sheila Francoeur spoke in favor.
Rep. Buzzell requested a roll call; sufficiently seconded.
The question being adoption of the committee report.

YEAS 263 NAYS 88			
YEAS 263			
BELKNAP			
Boyce, Laurie	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Allen, Peter	Dexter, Judson	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Richardson, Barbara
Sawyer, Sheldon			
COOS			
King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Alger, John	Barker, Robert	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Solomon, Peter	Sorg, Gregory
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda

Gargasz, Carolyn	Gibson, John	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hinkle, Peyton	Hirschmann, Keith	Hunter, Bruce	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kelly, Eugene Jr
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lefebvre, Roland	Manney, Pamela	McRae, Karen	Mead, Robert
Messier, Irene	Michon, Stephen	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Oliver, James	Owen, Derek
Reardon, Tara	Reed, Dennis	Soltani, Tony	Tilton, Joy
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Bicknell, Elbert
Blanchard, MaryAnn	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James
Cooney, Richard	Dodge, Robert	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Putnam, Ed II	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			
STRAFFORD			
Berube, Roger	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Grassie, Anne	Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Kathleen
Twombly, James	Wall, Janet		

SULLIVAN			
Converse, Larry	Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr
Prichard, Stephen	Rodeschin, Beverly		
NAYS 88			
BELKNAP			
Morrison, Gail			
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Chase, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Giuda, Robert
Hammond, Lee	Sokol, Hilda		
HILLSBOROUGH			
Allan, Nelson	Baroody, Benjamin	Buhlman, David	Campbell, David
Chase, Claudia	Clark, Mark	Cote, David	Cote, Peter
Dokmo, Cynthia	Essex, David	Francoeur, Bea	Haley, Robert
Hebert, Raymond	Holden, Randolph	Johnson, Paula	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Mooney, Maureen	Pappas, Christopher
Rochette, Eric	Sullivan, Peter	Ulery, Jordan	
MERRIMACK			
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary Jane
Yeaton, Charles			
ROCKINGHAM			
Buxton, Donald	Cali-Pitts, Jacqueline	DiFruscia, Anthony	Johnson, Robert
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Serlin, Christopher	Splaine, James
Weldy, Norman			

STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Rous, Emma	Snyder, Clair	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James		

and the committee report was adopted.

SPECIAL ORDER

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: There are federal funds made available to this state under section 903(d) of the Social Security Act, 42 USC section 1103d. These funds are to be used under the direction of the NH Department of Employment Security for the purpose of developing and implementing a new automated unemployment compensation benefit system including the upgrade or replacement of critical interfaces. Funds may include providing funds for hardware, software, equipment, staffing, technology maintenance that are in accordance with any user authorized by the United States Congress now or in the future.
Vote 22-0
Committee report adopted and ordered to third reading.

SB 214, relative to screening panels for medical injury claims. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill is a measure that would alter the system by which our state's civil justice system processes medical malpractice litigation The bill, as passed by the Senate and with the amendment recommended by the committee, would create a pre-trial system of screening medical malpractice cases in our superior courts. The screening panel consists of a doctor practicing in the same or similar specialty as the defendant, a judge, and a lawyer. These individuals have the expertise and experience to evaluate the information presented without the expense and time of a "mini-trial." SB 214 as amended preserves the screening panel provided for in the original bill, but streamlines its procedure by limiting evidence at the hearing to offers of proof rather than formal testimony. It creates a true screening panel, designed to separate meritorious from non-meritorious cases, to determine if there is sufficient evidence to raise a legitimate question of liability. If a panel hearing cannot be achieved within 6 months, the case shall be screened by a single justice of the superior court within 45 days who will then determine if the evidence presented is sufficient to raise the question of liability. Any controversy not resolved by agreement of the parties in light of the screening opinion would then be submitted to a mediator for mandatory mediation within forty-five days. If the mediation process is not successful, the parties would then proceed to trial in the normal fashion. In neither instance does the screening panel or screening judge determine anything other than merit or non-merit and does not determine in any way a "winner" or a "loser." There will be no findings admissible to the jury to interfere in any way with the right to an impartial jury. The amendment is the product of extensive study undertaken in response to the numerous questions raised by the bill and by the competing claims of the medical and legal professions concerning it. Over the past three months, the committee has heard scores of hours of testimony and received hundreds of pages of information. Following an initial seven-hour public hearing, the committee scheduled further hearings to which it invited experts in various disciplines implicated in the bill, including representatives of the New Hampshire Insurance Department, the Joint Underwriters Association, the New Hampshire Center for

Policy Studies, the Board of Medicine, Franklin Pierce Law Center, and the founder of the former Matthew Thornton Health Clinic. Testimony was virtuously unanimous that there are no frivolous lawsuits filed in New Hampshire, that New Hampshire's courts and juries do not award excessive verdicts, and that few non-meritorius suits are filed. Further, punitive damages are prohibited in New Hampshire, and we already have in place a statutory penalty that adequately deters frivolous lawsuits. Finally, even insurance specialists acknowledge that the installation of a Maine screening panel system will not lower medical malpractice insurance premiums, but, at best may stabilize their increase. The Bureau of Insurance of the State of Maine has acknowledged being unable to conclude that its system has been a factor impacting either the cost of health care generally or medical liability insurance in particular. The committee learned that Maine's system is not functioning satisfactorily procedurally in a number of ways. Most significant is that the average wait for assembling a panel is at least 1.7 years because of the difficulty in avoiding conflicts of interest in a state with a relatively small number of physicians in any given specialty and in particular the difficulty of locating physicians qualified to serve who not only do not know the defendant physician or the attorneys involved and who are not insured by the same entity as the defendant physician. Although the Supreme Court of Maine has found its screening panel statute constitutional under that state's constitution, according to NH constitutional experts, it is by no means certain that a similar bill here would pass constitutional muster under the unique terms of Article 20 of our Bill of Rights, which states that the right to trial by jury "shall be held sacred." The bi-partisan majority of the Judiciary Committee believes SB 214 as amended is a reasoned compromise to SB 214 as introduced and is a means toward achieving the right balance for New Hampshire's physicians and its citizens who need access to the courts for wrongful medical injuries. Vote 12-6.

Rep. John B. Hunt for the Minority of Judiciary: SB 214 without amendment, represents a bi-partisan, 3+ year effort to help improve the medical liability climate in New Hampshire in order to protect access to critical medical specialty care. We need to keep our medical specialists here and we need to be able to attract and recruit new physicians to the Granite State. In 2003, the NH Legislature created a commission that studied the existing, ineffective pre-trial screening panel law, RSA 519-A. As a result of the commission's work, HB 1413 was introduced in 2004. That bill, based on the 20-year old successful Maine law, was amended and passed by the House; then further amended by the Senate. The bill died in a committee of conference last year. SB 214 is also modeled after the Maine law with improvements and compromises. The supporters believe that SB 214 strikes the right balance of protecting the rights of injured parties while encouraging early settlements to reduce administrative costs which ultimately reduces costs overall. The panel system in SB 214 will weed out non-meritorious claims and get meritorious cases resolved as soon as possible. (Frivolous is not the same as non-meritorious.) As many House members know, a five-member OB/GYN group from Rochester left and moved to Kittery, Maine, last December in part because they could no longer afford the high medical liability premiums in our state. The committee heard anecdotal testimony that other OB/GYNS are now limiting their practices to elective surgery and stopping head trauma care altogether in order to be able to afford their liability premiums. New Hampshire needs to do something NOW. If we pass SB 214 without amendment, the liability companies that insure NH health care providers will immediately have 20 years of actuarial data from Maine upon which to base new rating decisions. We can hit the ground running. The proposed amendment to SB 214 is NOT a compromise; it is a totally new "animal." It represents a gamble for NH. Will the new system it creates actually reduce costs associated with medical liability cases? We don't know, although we do think it is more likely to increase costs than to decrease them, and neither will the liability insurance companies. The supporters of SB 214, without amendment, fear that waiting to see if the SB 214 amendment/experiment affects insurance premiums is time we do not have. It is not fair to the citizens of New Hampshire. SB 214 as it came to us from the Senate offers a quicker and less expensive way to resolve medical

liability cases. Two reports from Medical Mutual Insurance Company of Maine show that patients with meritorious cases have their claims resolved sooner and they end up with a larger portion of the settlement. Both plaintiffs and defendants maintain their right to go to a jury trial! The amendment offered on SB 214 has a lower standard of proof and any decision made by the panel or the screening judge is not admissible. What is the point then of making any effort to participate in the process? It just sets up additional steps that offer absolutely no benefit to either the plaintiff or the defendant. The minority believes that one of the reasons that NH's current voluntary pre-trial system (RSA 519-A) does not work is because the panel results are inadmissible! The success of the Maine law is that all parties make their best effort at the panel hearing because unanimous panel decisions ARE admissible. (Split decisions are not admissible.) Without maintaining a higher standard of proof and without admissibility of unanimous panel decisions, we may as well walk away and keep the current ineffective NH law on the books. Some of the opposition to SB 214, unamended, is based on supposed constitutional defects. We believe that SB 214 will withstand a constitutional challenge. The Maine Supreme Judicial Court addressed the issue and upheld the Maine system with recommendations to protect against potential jury confusion. Those recommendations were written directly into SB 214. The system in SB 214, unamended, has been proven effective in meeting the goal of reducing upward rate pressure on medical liability insurance rates by reducing costs. It thus bears a fair and substantial relationship to the legislative goal of ensuring access to medical care that is being hurt by spiraling insurance rates. The right to jury trial simply isn't affected – no claimant, meritorious or not, is prevented from taking a case to jury trial, and juries are not prevented from considering any issue. On the contrary, the jury would be carefully instructed that it is at liberty to give whatever consideration it thinks is appropriate to a unanimous panel decision – it is not bound in any way. One member of the minority of the committee disagrees with the rest of the minority and believes the bill should just be killed. Because only one minority report is allowed under the rules, as a courtesy to him, we are including his position in this report for the benefit of the entire House. This one member believes the bill is unconstitutional because it interferes with the right of an injured person to have access to the courts. The member believes that, under the bill, a plaintiff has an extra hoop to jump through before he or she can get to the constitutional arbiter of disputes, the jury. He believes the bill will increase costs to begin a case, and raise the level that a case must be worth before an attorney can afford to take it on. He believes this will hurt the ones who need relief most, the poor who now have unexpected medical bills and no means to pay them. Further, the member believes we have no evidence that there is a problem in New Hampshire with the type of frivolous lawsuits that this panel system would eliminate. He also believes that mediation that is in the amendment is a great idea, but making it mandatory and then requiring the parties to pay for it is unjust. For these reasons one member of the minority believes this bill should be killed. However, the majority of the minority of the Judiciary Committee wants to adopt the type of meaningful reform contained in SB 214, as it came to us from the Senate. We urge the members of the House to vote against adoption of the committee amendment and then vote "ought to pass" on SB 214. New Hampshire must be able to tell the physicians, nurses, hospitals and patients of this state that we stood up for their concerns by supporting and voting for SB 214 without amendment.

Majority Amendment (1656h)

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

1 New Chapter; Screening Panels for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING PANELS FOR MEDICAL INJURY CLAIMS

519-B:1 Findings, Purpose, and Intent.

I. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the claims are known to the parties. Prescreening of claims is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial.

II. The purposes of pretrial screening panels are:

(a) To identify claims of medical injury which merit compensation and to encourage early resolution of those claims prior to commencement of a lawsuit; and

(b) To identify claims of medical injury and to encourage early withdrawal or dismissal of nonmeritorious claims.

519-B:2 Definitions. In this chapter:

I. "Action for medical injury" means an action for medical injury as defined in RSA 507-E:1, I.

II. "Medical injury" means a medical injury as defined in RSA 507-E:1, III.

III. "Medical care provider" means a medical care provider as defined in RSA 507-E:1, II.

519-B:3 Formation and Procedure.

I. The chief justice of the superior court shall maintain a list of retired judges, persons with judicial experience, and other qualified persons to serve on screening panels under this chapter, from which he or she shall choose a panel chairperson under paragraph II of this section. The chief justice of the superior court shall compile and maintain lists of medical care providers and attorneys with litigation experience to serve on screening panels under this chapter.

II. Screening panel members shall be selected as follows:

(a) Upon the entry of a medical injury case, the clerk of the superior court in which the medical injury case is filed shall notify the chief justice of the superior court.

(b) Within 14 days following the return date, the chief justice shall choose a retired judge, a person with judicial experience, or other qualified person from the list maintained by the chief justice to serve as chairperson of the panel to screen the claim. If at any time a chairperson chosen under this paragraph is unable or unwilling to serve, the chief justice shall appoint a replacement following the procedure in this paragraph for the initial appointment of a chairperson. Persons other than retired judges or those with judicial experience may be appointed as chairperson based on appropriate trial experience. If the chief justice appoints as chairperson a person who is not a retired judge or who does not have judicial experience, each side may make one challenge to the appointment.

(c) The chief justice shall notify the clerk of the name of the person designated to serve as chairperson and shall provide the clerk with the lists of medical care providers and attorneys maintained under this section. Upon notification of the chief justice's choice of chairperson, the clerk shall notify the chairperson and the parties, and provide them with the lists of medical care providers of health care and attorneys. The chairperson shall choose 2 or 3 additional panel members from the lists as follows:

(1) One attorney.

(2) One medical care provider. If possible, the chairperson shall choose a provider who practices in the same specialty or profession as the person or entity accused of causing a medical injury.

(3) Where the claim involves more than one person accused of causing a medical injury, the chairperson may choose a fourth panel member who is a medical care provider. If possible, the chairperson shall choose a provider in the specialty or profession of a person accused.

(4) When agreed upon by all the parties, the list of available panel members may be enlarged in order to select a panel member who is agreed to by the parties but who is not on the chief justice's list.

III. The superior court may establish a trial date at a structuring conference, or other scheduling conference, and all interim deadlines as it would in any other case.

IV. The chief justice of the superior court may establish the compensation of the panel chairperson. Other panel members shall serve without compensation or payment of expenses.

V. The clerk of the superior court in the county in which a medical injury case is filed shall, with the consent of the chief justice of the superior court, provide clerical and other assistance to the panel chairperson.

VI.(a) Only challenges for cause shall be allowed.

(b) If a panel member other than the chairperson is challenged for cause, the party challenging the member shall notify the panel chairperson. If the panel chairperson finds cause for the challenge, he or she shall replace the panel member within 7 days of the finding.

(c) If the chairperson is challenged for cause, the party challenging the chairperson shall notify the chief justice of the superior court. If the chief justice finds cause for the challenge, he or she shall replace the chairperson within 7 days of the finding.

VII. The panel, through the chairperson, shall have the same subpoena power as exists for a superior court judge. The chairperson shall have sole authority, without requiring the agreement of other panel members, to issue subpoenas.

VIII. The New Hampshire superior court rules shall govern discovery conducted under this chapter. The parties shall attempt in good faith to resolve discovery issues themselves. The chairperson shall rule on disputes regarding discovery. Any person aggrieved by a chairperson's ruling regarding discovery may appeal to the superior court within 7 days of the ruling, which shall defer to the chairperson's factual findings unless they are clearly erroneous.

519-B:4 Panel Procedures.

I. All documents filed with the court in a medical injury action that are part of the screening process are confidential.

II. Within 20 days of the return date, the defendant or defendants shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the chairperson of the panel. The chairperson shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be no later than 6 months from the return date, except when the time period has been extended by the panel chairperson in accordance with this chapter.

III. The pretrial screening may be bypassed if all parties agree upon a resolution of the claim by trial or settlement.

IV. All parties to a claim may, by written agreement, submit a claim to the binding determination of the panel. All parties may agree to bypass the panel for any reason, or may request that certain preliminary legal affirmative defenses or issues be litigated prior to submission of the case to the panel. The panel shall have no jurisdiction to hear or decide, absent agreement of the parties, dispositive legal affirmative defenses, other than comparative negligence. The panel chairperson may require the parties to litigate, by motion, such dispositive legal affirmative defenses in the superior court prior to submission of the case to the panel. Any such defense, as well as any motion relating to discovery that the panel chairperson has chosen not to rule on, may be presented, by motion, in superior court.

V. Except as otherwise provided in this section, there shall be one combined hearing for all claims under this section arising out of the same set of facts. Where a medical injury case has been filed against more than one person accused of medical injury based on the same facts, the parties may, upon agreement of all parties, require that hearings be separated. The chairperson may, for good cause, order separate hearings.

VI.(a)(1) On failure of the plaintiff to prosecute or to comply with rules or any order of the chairperson, or if the plaintiff fails to attend a properly scheduled hearing, and on motion by the chairperson or any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the chairperson may order appropriate sanctions, which may include dismissal of the case. If any sanctions are imposed, the chairperson shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the chairperson or the panel in an order for dismissal specifies otherwise, a dismissal under this subparagraph is with prejudice for purposes of proceedings before the panel. A dismissal with prejudice is the equivalent of a finding for the defendant on all issues before the panel.

(b)(1) On failure of a defendant to comply with the rules or any order of the chairperson, or if a defendant fails to attend a properly scheduled hearing, and on motion by the chairperson or any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the chairperson may order appropriate sanctions, which may include default. If any sanctions are imposed, the chairperson shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the chairperson or the panel in its order for default specifies otherwise, a default under this paragraph is the equivalent of a finding against the defendant on all issues before the panel.

(c) Any person aggrieved by a chairperson's ruling regarding sanctions may appeal to the superior court, which shall defer to the chairperson's factual findings unless they are clearly erroneous.

519-B:5 Screening Panel Hearing.

I.(a) Every action at law for medical injury against a medical care provider shall be screened by the panel. The parties shall present offers of proof and the panel shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

(b) After presentation by the parties, the panel may request additional facts, records, or other information from either party to be submitted in writing.

II. The panel shall maintain a record. Except as provided in RSA 519-B:6, the record may not be made public and the hearings may not be public without the consent of all parties.

III. The chairperson of the panel shall attempt to resolve any differences of the parties before proceeding to findings.

519-B:6 Findings by Screening Panel.

I. At the conclusion of the hearing, the panel shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

II. The panel's findings, signed by the panel members, indicating their vote, shall be sent by registered or certified mail to the parties within 7 days of the date of the findings. The findings, records, and exhibits of the screening hearing shall be preserved and forwarded to the mediator. The findings and record of the hearing shall be preserved until 90 days after final judgment or final resolution of the case, after which time they shall be destroyed.

III. Except as provided in this section, all proceedings before the panel, including its final determinations, shall be treated as private and confidential by the panel and the parties to the claim. The findings and other writings of the panel and any evidence and statements

made by a party or a party's representative during a panel hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except as follows:

(a) Evidence presented to the panel may be used in subsequent proceedings for purposes of impeachment.

(b) The party who presented the evidence may agree to the submission, use, or disclosure of that statement or evidence.

IV. The deliberations and discussion of the panel shall be confidential.

V. The confidentiality provisions of this section shall not apply if the findings were influenced by fraud.

VI. All actions which continue after the decision of the screening panel shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:7 Screening Judge.

I. Every action for medical injury against a medical care provider in which a screening panel directed to be assembled under RSA 519-B:3 which has not held a hearing within 6 months of the return date shall be screened by a single justice of the superior court.

II. The parties shall present offers of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

519-B:8 Procedure.

I. Each screening hearing pursuant to RSA 519-B:7 shall be heard by a single screening judge within 45 days after the lapse of the 6-month period allowable for a screening panel hearing authorized under RSA 519-B:3.

II. At the screening hearing, admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the medical care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet, or statements and reports by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records to substantiate or clarify any issue which has been presented. If the screening judge or mediator, in his or her discretion, desires expert medical advice, he or she may secure the assistance of a medical adviser who practices in the same specialty as the person or entity named in the suit.

III. All actions which continue after the decision of the screening judge shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

IV. The findings of the screening judge and all documents submitted during the screening process are admissible in the mediation procedure held pursuant to paragraph III in this section.

V. Findings of the screening judge, and the outcomes of the mediation process under paragraph III shall not be admissible in any subsequent trial, except to the extent agreed on by the parties.

VI. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:9 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement, or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed, pursuant to RSA 507-E:3.

519-B:10 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

519-B:11 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

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

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of mandatory screening panels for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of, or delay in, access to the courts by injured parties and the reasons for such limitations or delays.

VI.(a) The committee shall make an interim report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

(b) The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2010. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:12 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of panel hearings and the number of panel hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the panel hearing.

(3) The number and average settlement amount of cases that were resolved after a panel hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a panel made findings during the fiscal year, the number of cases that fell into each category of possible results of a panel hearing (unanimous for the plaintiff; majority for

the plaintiff; unanimous for the defendant; majority for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:11 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Creates panels for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the mandatory panel process.

III. Requires certain reports relative to medical malpractice insurance and the mandatory panels.

Reps. Hunt, Sheila Francoeur, Harding, Lary, Wendelboe and MacKay spoke against.
Reps. Soltani, Lasky, Morrison, Lefebvre, Mooney and Dokmo spoke in favor.
Rep. Rowe spoke in favor and yielded to questions.

PREVIOUS QUESTION

Rep. Cahill moved the previous question.
Adopted.

Reps. Wendelboe and Mooney requested a roll call; sufficiently seconded.
The question being adoption of the majority amendment.

YEAS 135 NAYS 212			
YEAS 135			
BELKNAP			
Morrison, Gail			
CARROLL			
McConkey, Mark			
CHESHIRE			
Butcher, Suzanne	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS			
Buzzell, Bernard	Mears, Edgar		
GRAFTON			
Andersen, Gene	Giuda, Robert	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Solomon, Peter	Sorg, Gregory	
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Campbell, David	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Hinkle, Peyton
Holden, Randolph	Infantine, William	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Renzullo, Andrew
Rochette, Eric	Rowe, Robert	Shaw, Barbara	Shaw, Kimberly
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	DeJoie, John	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	McMahon, Patricia
Owen, Derek	Potter, Frances	Reardon, Tara	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Williams, Robert		
ROCKINGHAM			
Blanchard, MaryAnn	Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth	Itse, Daniel
Morris, Richard	Norelli, Terie	Sanders, Elisabeth	Serlin, Christopher
Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth	
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Hilliard, Dana	Hofemann, Roland	Johnson, Nancy
Keans, Sandra	Rollo, Michael	Schmidt, Peter	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Wall, Janet	
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Phinizy, James
NAYS 212			

BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Butynski, William	Chase, William	Dexter, Judson
Emerson, Susan	Hogancamp, Deborah	Hunt, John	
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Alger, John	Almy, Susan	Barker, Robert	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Nordgren, Sharon	Sokol, Hilda	Ward, John
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Clark, Mark	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Francoeur, Bea	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Hansen, Ryan	Hirschmann, Keith
Hunter, Bruce	Irwin, Anne-Marie	Jasper, Shawn	Kelly, Eugene Jr
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	Moran, Edward	O'Brien, William	Ober, Lynne
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Currier, David
Danforth, James	DeStefano, Stephen	Field, William	Foose, Robert
French, Barbara	Gile, Mary	Kidder, David	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Maxfield, Roy	Oliver, James

Osborne, Jessie	Reed, Dennis	Rush, Deanna	Whiting, Herbert
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Bicknell, Elbert
Buxton, Donald	Camm, Kevin	Charron, Gene	Coburn, James
Cooney, Richard	Dodge, Robert	Dowd, John	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Moody, Marcia
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Pantelakos, Laura
Powers, James	Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Scamman, Stella	Splaine, James	Stiles, Nancy	Stone, Joseph
Weare, E Albert	Welch, David	Weldy, Norman	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Brown, Julie	Campbell, W Packy	Chaplin, Duncan	Creteau, Irene
Easson, Timothy	Hollinger, Jeffrey	Knowles, William	Miller, Joseph
Newton, Clifford	Rous, Emma	Twombly, James	
SULLIVAN			
Converse, Larry	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen	Rodeschin, Beverly

and the majority amendment failed.
Reps. Greco and Marple declared conflicts of interest and did not participate.
Rep. Joy Tilton voted Yea and intended to vote Nay.

Rep. Rowe offered floor amendment (1808h).

Floor Amendment (1808h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to pretrial screening of medical injury claims.
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Pretrial Screening of Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

PRETRIAL SCREENING OF MEDICAL INJURY CLAIMS

519-B:1 Findings, Purpose, and Intent.

I. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the

claims are known to the parties. Prescreening of claims is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial.

II. The purposes of pretrial screening are:

(a) To identify claims of medical injury which merit compensation and to encourage early resolution of those claims prior to commencement of a lawsuit; and

(b) To identify claims of medical injury and to encourage early withdrawal or dismissal of nonmeritorious claims.

519-B:2 Definitions. In this chapter:

I. "Action for medical injury" means an action for medical injury as defined in RSA 507-E:1, I.

II. "Medical injury" means a medical injury as defined in RSA 507-E:1, III.

III. "Medical care provider" means a medical care provider as defined in RSA 507-E:1, II.

519-B:3 Formation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice, sitting or retired, of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

III. The screening process is not intended to delay or postpone the trial of a medical injury case. The superior court may establish a trial date at a structuring conference, or other scheduling conference, and all interim deadlines as it would in any other case.

IV. The chief justice of the superior court shall establish the compensation of the medical adviser if he or she is not otherwise compensated by the state of New Hampshire.

V. The clerk of the superior court in the county in which a medical injury case is filed shall, with the consent of the chief justice of the superior court, provide clerical and other assistance to the screening judge and to the mediation judge.

VI.(a) Only challenges for cause shall be allowed.

(b) If the screening judge or medical adviser is challenged for cause, the party challenging the member shall notify the chief justice of the superior court. If the chief justice finds cause for the challenge, he or she shall replace the screening judge or the adviser.

VII. The New Hampshire superior court rules shall govern discovery conducted under this chapter. The parties shall attempt in good faith to resolve discovery issues themselves. The judge shall rule on disputes regarding discovery. Any person aggrieved by a judge's ruling regarding discovery may appeal to the superior court, which shall defer to the judge's factual findings unless they are clearly erroneous.

519-B:4 Procedures.

I. All documents filed with the court in a medical injury action that are part of the screening process are confidential.

II. Within 20 days of the return date, the defendant or defendants shall contact the claimant's counsel and by agreement shall designate a timetable for filing all the relevant medical and provider records necessary to a determination by the panel. If the parties are unable to agree on a timetable within 60 days of the return date, the claimant shall notify the screening judge. The screening judge shall then establish a timetable for the filing of all relevant records and reasonable discovery, which shall be filed at least 30 days before any hearing date. The hearing shall be no later than 6 months from the return date, except when the time period has been extended by the screening judge in accordance with this chapter.

III. The pretrial screening may be bypassed if all parties agree upon a resolution of the claim by trial or settlement.

IV. All parties to a claim may, by written agreement, submit a claim to the binding determination of the screening judge. All parties may agree to bypass the screening process for any reason, or may request that certain preliminary legal affirmative defenses or issues be litigated prior to submission of the case to the screening judge. The judge shall have no jurisdiction to hear or decide, absent agreement of the parties, dispositive legal affirmative defenses, other than comparative negligence. The screening judge may require the parties to litigate, by motion, such dispositive legal affirmative defenses in the superior court prior to submission of the case to the screening hearing. Any such defense, as well as any motion relating to discovery that the screening judge has chosen not to rule on, may be presented, by motion, in superior court.

V. Except as otherwise provided in this section, there shall be one combined hearing for all claims under this section arising out of the same set of facts. Where a medical injury case has been filed against more than one person accused of medical injury based on the same facts, the parties may, upon agreement of all parties, require that hearings be separated. The screening judge may, for good cause, order separate hearings.

VI.(a)(1) On failure of the plaintiff to prosecute or to comply with rules or any order of the screening judge, or if the plaintiff fails to attend a properly scheduled hearing, and on motion by any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the screening judge may order appropriate sanctions, which may include dismissal of the case. If any sanctions are imposed, the screening judge shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the screening judge in an order for dismissal specifies otherwise, a dismissal under this subparagraph is with prejudice for purposes of proceedings before the screening judge. A dismissal with prejudice is the equivalent of a finding for the defendant on all issues before the panel.

(b)(1) On failure of a defendant to comply with the rules or any order of the screening judge, or if a defendant fails to attend a properly scheduled hearing, and on motion by any party, after notice to all parties has been given and the party against whom sanctions are proposed has had the opportunity to be heard and show good cause, the screening judge may order appropriate sanctions, which may include default. If any sanctions are imposed, the screening judge shall state the sanctions in writing and include the grounds for the sanctions.

(2) Unless the screening judge in his or her order for default specifies otherwise, a default under this paragraph is the equivalent of a finding against the defendant on all issues before the screening judge.

(c) Any person aggrieved by a screening judge's ruling regarding sanctions may appeal to the superior court, which shall defer to the screening judge's factual findings unless they are clearly erroneous.

VII. All requests for extensions of time under this section shall be made to the screening judge. The judge may extend any time period for good cause, except that the judge may not extend any time period that would result in the screening hearing being held more than 11 months following the return date unless good cause is shown.

519-B:5 Screening Panel Hearing.

I. The screening judge shall maintain a record. Except as provided in RSA 519-B:6, the record may not be made public and the hearings may not be public without the consent of all parties.

II. At the screening hearing, admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the medical care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet, or statements and reports by experts without the necessity of such experts appearing at the hearing. The screening judge may,

upon his or her own decision, summon or subpoena any such records to substantiate or clarify any issue which has been presented. If the screening judge or mediator, in his or her discretion, desires expert medical advice, he or she may secure the assistance of a medical adviser who practices in the same specialty as the person or entity named in the suit.

III. The screening judge shall attempt to resolve any differences of the parties before proceeding to findings.

IV. The findings of the screening judge and all documents submitted during the screening process are admissible in the mediation procedure held pursuant to RSA 519-B:6, V.

V. The outcomes of the mediation process under paragraph III shall not be admissible in any subsequent trial, except to the extent agreed on by the parties.

VI. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:6 Findings by Screening Judge.

I. At the conclusion of the hearing, the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry.

II. The screening judge's findings shall be sent by registered or certified mail to the parties within 7 days of the date of the findings. The findings, records, and exhibits of the screening hearing shall be preserved and forwarded to the mediator. The findings and record of the hearing shall be preserved until 90 days after final judgment or final resolution of the case, after which time they shall be destroyed.

III. Except as provided in this section, all proceedings before the screening judge, including the final determinations, shall be treated as private and confidential by the screening judge and the parties to the claim. The findings and other writings of the screening judge and any evidence and statements made by a party or a party's representative during a screening judge hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except as follows:

(a) Evidence presented to the screening judge may be used in subsequent proceedings for purposes of impeachment.

(b) The party who presented the evidence may agree to the submission, use, or disclosure of that statement or evidence.

IV. The confidentiality provisions of this section shall not apply if the findings were influenced by fraud.

V. All actions which continue after the decision of the screening judge shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:7 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement, or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed, pursuant to RSA 507-E:3.

519-B:8 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

519-B:9 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the screening process for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

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

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of the screening process for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of, or delay in, access to the courts by injured parties and the reasons for such limitations or delays.

VI.(a) The committee shall make an interim report of its findings about medical liability insurance rates and the screening process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2008.

(b) The committee shall make a final report of its findings about medical liability insurance rates and the screening process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2010. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:10 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of screening hearings and the number of screening hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the screening hearing.

(3) The number and average settlement amount of cases that were resolved after a screening hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a screening judge made findings during the fiscal year, the number of cases that fell into each category of possible results of a screening hearing (for the plaintiff or for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:9 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the screening process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the

frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill:

I. Creates a screening process before a judge for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the screening process.

III. Requires certain reports relative to medical malpractice insurance and the screening process.

Rep. Rowe spoke in favor.

Rep. Hunt spoke against.

Floor amendment (1808h) failed.

MOTION TO LAY ON THE TABLE

Rep. Buhlman moved that ***SB 214,*** relative to screening panels for medical injury claims, be laid on the table and requested a roll call; sufficiently seconded.

YEAS 94 NAYS 243			
YEAS 94			
BELKNAP			
Boyce, Laurie	Morrison, Gail		
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Buzzell, Bernard			
GRAFTON			
Giuda, Robert	Ingbretson, Paul	Mirski, Paul	Mulholland, Catherine
Sorg, Gregory			
HILLSBOROUGH			
Baroody, Benjamin	Bergeron, Jean-Guy	Buhlman, David	Campbell, David
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter

Craig, James	Desmarais, Vivian	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Hinkle, Peyton	Holden, Randolph	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	Movsesian, Lori
Renzullo, Andrew	Rochette, Eric	Rowe, Robert	Sullivan, Peter
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	DeJoie, John	DeStefano, Stephen
Kennedy, Richard	Potter, Frances	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Whiting, Herbert	Williams, Robert		
ROCKINGHAM			
Allen, Mary	Blanchard, MaryAnn	Cady, Harriet	DiFruscia, Anthony
Itse, Daniel	Morris, Richard	Norelli, Terie	Sanders, Elisabeth
Serlin, Christopher	Wells, Roger		
STRAFFORD			
Brown, Lawrence	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Newton, Clifford	Rollo, Michael	Schmidt, Peter	Taylor, Kathleen
SULLIVAN			
Cloutier, John	Franklin, Peter	Phinizy, James	
NAYS 243			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Chase, William	Dexter, Judson	Emerson, Susan
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Richardson, Barbara
Roberts, Kris	Sawyer, Sheldon		
COOS			
King, Frederick	Lary, Bruce	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr

GRAFTON			
Alger, John	Almy, Susan	Andersen, Gene	Barker, Robert
Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Maybeck, Margie
McLeod, Martha	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Francoeur, Bea	Gargasz, Carolyn	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Harvey, Suzanne	Hirschmann, Keith	Infantine, William
Irwin, Anne-Marie	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lefebvre, Roland	Manney, Pamela	Matarazzo, Anthony Sr
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Velez, Hector	Wheeler, Robert		
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Clarke, Claire	Currier, David
Danforth, James	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Reardon, Tara	Reed, Dennis	Rush, Deanna
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dodge, Robert	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Pantelakos, Laura	Powers, James
Priestley, Anne	Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew

Rausch, James	Robertson, Carl	Rolston, James	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Campbell, W Packy	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Easson, Timothy	Grassie, Anne	Hollinger, Jeffrey	Knowles, William
Miller, Joseph	Rous, Emma	Snyder, Clair	Spang, Judith
Twombly, James	Wall, Janet		
SULLIVAN			
Converse, Larry	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Prichard, Stephen
Rodeschin, Beverly			

and the motion to lay SB 214 on the table failed.
Reps. Greco and Marple declared conflicts of interest and did not participate.

Rep. Ulery offered floor amendment (1821h).

Floor Amendment (1821h)

Amend RSA 519-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. Availability and affordability of insurance against liability for medical injury is essential for the protection of patients as well as assuring availability of and access to essential medical and hospital care. This chapter affirms the intent of the general court to contain the costs of the medical injury reparations system and to promote availability and affordability of insurance against liability for medical injury. Claims for medical injury should be resolved as early and inexpensively as possible to contain system costs. Claims that are resolved before court determination cost less to resolve than claims that must be resolved by a court. Meritorious claims should be identified as quickly as possible, as should non-meritorious claims. Defendants should consider paying or compromising meritorious claims and plaintiffs should consider withdrawing or compromising non-meritorious claims, as soon as the merits of the claims are known to the parties. Presentation of claims to a medical review panel is intended to help identify both meritorious and non-meritorious claims without the delay and expense of a court trial. It is essential to the effectiveness of the panel process that panel proceedings be confidential. It is equally essential to the effectiveness of the panel process that a panel's findings be presented to the jury in any matter that is not resolved prior to trial. Claims before the panel that suggest the possibility of criminal activity must be presented to the insurance commissioner and the attorney general for investigation. The panel process will encourage the prompt resolution of claims, because both sides will be given an objective view of the merits. If the panel finds that a claim has merit, the defendant will be more likely to pay the claim or negotiate a compromise that is favorable to the claimant. If the panel finds that the claim lacks merit, the claimant is more likely to withdraw the claim or accept a nominal settlement. The panel's screening should be completed within 180 days after the panel receives it, or the case should be dismissed.

Amend RSA 519-B:4, VII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Any person aggrieved by a chairperson's ruling regarding sanctions may appeal to the superior court.

Amend RSA 519-B:6, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Whether the acts or omissions complained of constitute a deviation from a quantitative, published, or procedural standard of care by the medical care provider charged with that care;

Amend RSA 519-B:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The plaintiff shall prove negligence and proximate causation by a preponderance of the evidence.

Amend RSA 519-B:8, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The findings and other writings of the panel and any evidence and statements made by a party or a party's representative during a panel hearing are not admissible in court and shall not be submitted or used for any purpose in a subsequent trial and shall not be publicly disclosed, except that any testimony or writings made under oath may be used in subsequent proceedings for purposes of impeachment.

Amend RSA 519-B:10 as inserted by section 1 of the bill by replacing it with the following:

519-B:10 Effect of Panel Findings. Unanimous findings entered by the panel under RSA 519-B:6, I shall be implemented as follows.

I. If findings are in the plaintiff's favor, the defendant shall promptly enter into negotiations to pay the claim or admit liability. If liability is admitted, the claim may be submitted to the panel, upon agreement of the parties, for determination of damages. If the claim goes to a trial, the findings of the panel are admissible as provided in RSA 519-B:8, I(b). Failure to enter into good faith negotiations shall result in an award of treble damages to the plaintiff if he or she prevails in a trial. The increase in the damages award shall not be subject to a contingency fee agreement between plaintiff and counsel.

II. If the findings are unanimous in the defendant's favor, the plaintiff shall release the claim or claims based on the findings, without payment, or be subject to the admissibility of those findings under RSA 519-B:8, I(c).

Amend RSA 519-B:12, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:11 and to the insurance commissioner on or before September 30 of each year. The report shall be a public record.

Amend RSA 512-B:12, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:11 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution. Such report shall consider all insurance premium increases in New Hampshire and be based on New Hampshire experience, not the companies' total loss pictures. This report shall be a public record.

Rep. Ulery spoke in favor.

Rep. Sheila Francoeur spoke against.

Floor amendment (1821h) failed.

Rep. Phinizy offered floor amendment (1760h).

Floor Amendment (1760hh)

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

AN ACT relative to screening panels for medical injury claims and to medical malpractice insurance rates.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 to read as 3:

2 New Paragraph; Rate Filings; Temporary Freeze on Medical Malpractice Insurance Rates. Amend RSA 412:16 by inserting after paragraph XIII the following new paragraph:

XIV. Notwithstanding any other provision of law, the rates for medical malpractice liability insurance shall remain at the levels for the year 2005 until the speaker of the house of representatives, the senate president, and the governor receive the final report of the committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process established under RSA 519-B:11.

AMENDED ANALYSIS

This bill:

I. Creates panels for medical injury claims.

II. Establishes a committee to study medical malpractice insurance rates and the effectiveness of the mandatory panel process.

III. Requires certain reports relative to medical malpractice insurance and the mandatory panels.

IV. Freezes medical malpractice insurance rates until the medical malpractice panel and insurance oversight committee makes its report.

Rep. Phinizy spoke to the amendment and then withdrew it.

The question now being adoption of the motion of Ought to Pass.

Reps. James Wheeler and Espiefs spoke against.

Rep. Hunt spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

The question being adoption of Ought to Pass.

YEAS 218 NAYS 115			
YEAS 218			
BELKNAP			
Allen, Janet	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	
CHESHIRE			
Allen, Peter	Chase, William	Dexter, Judson	Emerson, Susan
Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon	
COOS			
King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric

Tholl, John Jr			
GRAFTON			
Alger, John	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John
Williams, Burton			
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Carew, James	Carlson, Donald	Carter, Mark
Chabot, Robert	Chase, Claudia	Christensen, D L Chris	Clark, Mark
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargasz, Carolyn	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Irwin, Anne-Marie	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lefebvre, Roland	Manney, Pamela	Matarazzo, Anthony Sr
Moran, Edward	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Ross, Lawrence	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Kidder, David
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Oliver, James
Osborne, Jessie	Owen, Derek	Reed, Dennis	Rush, Deanna
Tupper, Frank	Whiting, Herbert	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Bettencourt, David	Buxton, Donald	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dodge, Robert
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
Moody, Marcia	Morris, Richard	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Powers, James	Priestley, Anne
Putnam, Ed II	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Wiley, Robert

Winchell, George	Zolla, William		
STRAFFORD			
Brown, Julie	Campbell, W Packy	Chaplin, Duncan	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Hollinger, Jeffrey	Knowles, William
Miller, Joseph	Newton, Clifford	Rous, Emma	Snyder, Clair
Twombly, James			
SULLIVAN			
Converse, Larry	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly	
NAYS 115			
BELKNAP			
Boyce, Laurie	Morrison, Gail		
CARROLL			
None			
CHESHIRE			
Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
Buzzell, Bernard			
GRAFTON			
Andersen, Gene	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Mulholland, Catherine	Sorg, Gregory		
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Buhlman, David	Calawa, Leon Jr	Campbell, David
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Crane, Elenore Casey	Desmarais, Vivian
Gibson, John	Ginsburg, Ruth	Golding, William	Gorman, Mary
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Jean, Claudette	Johnson, Paula	Kelly, Eugene Jr	Kopka, Angeline
Lasky, Bette	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	Movsesian, Lori	Renzullo, Andrew
Rochette, Eric	Rowe, Robert	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK			
Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Hess, David	McMahon, Patricia	Potter, Frances
Reardon, Tara	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	
ROCKINGHAM			
Allen, Mary	Bicknell, Elbert	Blanchard, MaryAnn	Cady, Harriet
Camm, Kevin	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Itse, Daniel	McMahon, Charles	Norelli, Terie	Serlin, Christopher
Wells, Roger			
STRAFFORD			
Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Grassie, Anne
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Rollo, Michael	Schmidt, Peter	Spang, Judith	Taylor, Kathleen
Wall, Janet			
SULLIVAN			
Cloutier, John	Donovan, Thomas	Franklin, Peter	Phinizy, James

and the motion of Ought to Pass was adopted.
Ordered to third reading.
Reps. Greco and Marple declared conflicts of interest and did not participate.

SPECIAL ORDER

SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision. **OUGHT TO PASS WITH AMENDMENT**
Rep. David H. Russell for Resources, Recreation and Development: This bill provides that a proposed ATV or trail bike trail shall not pass within 400' of a water well supplying a public water system. The bill also establishes a procedure for a proposed trail that will pass through a wellhead protection area. It addresses concerns with MTBE from trails near wells, and opens the 4000' limit to be the wellhead protective area without a specific limit. It also requires the Department of Environmental Services (DES) to show any impact the trail may have as well as the process for the community to appeal to the water council per RSA 21-07 IV. Vote 11-0.

Amendment (1547h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to all terrain vehicle trails.
Amend the bill by replacing all after the enacting clause with the following:

1 ATV and Trail Bike Operation on State Lands; Evaluation Process. Amend RSA 215-A:43, II(l) is repealed and reenacted to read as follows:

(l) The proposed trail does not pass within 400 feet of a water supply well for a community water system subject to RSA 485. If the proposed trail is to pass through a wellhead protection area as determined under RSA 485:48, II, the bureau shall explain in writing why no alternative locations on the state-owned property outside of the wellhead protection area are suitable for the placement of ATV or trail bike trails. The bureau shall, at least 45 days before the public meeting required by RSA 215-A:43, III is conducted, forward its written explanation, engineering design plans and associated facilities including parking areas and other trail network support features, to the governing body of a

municipality serviced by the well. Such governing body may, within 30 days of receipt of the explanation, request a determination from the department of environmental services of the potential effect of the proposed trail on the quality of water derived from the community water supply well. The department of environmental services shall respond no later than 30 days after the public meeting under RSA 215-A:43, III. The proposed trail may only be constructed in a wellhead protection area on state-owned land if the department of environmental services determines that it is unlikely that the trail and associated facilities including parking areas and other trail network support features will affect the ability of the well to consistently produce drinking water which meets the standards set forth in RSA 485. The determination made by the department of environmental services may be appealed pursuant to RSA 21-O:7, IV within 30 days of issuance.

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

AMENDED ANALYSIS

This bill provides that a proposed ATV or trail bike trail shall not pass within 400 feet of a water well supplying a public water system. The bill also establishes a procedure for a proposed trail that will pass through a wellhead protection area.

Reps. Rush and DiFruscia spoke against.

Reps. Currier and Spang spoke in favor and yielded to questions.

Rep. Rush requested a roll call; sufficiently seconded.

The question being adoption of the committee amendment.

YEAS 162 NAYS 135			
YEAS 162			
BELKNAP			
Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael
CARROLL			
Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Dexter, Judson	Hunt, John	Sawyer, Sheldon	
COOS			
King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Naro, Debra
Solomon, Peter	Ward, John	Williams, Burton	
HILLSBOROUGH			
Aboshar, Jeffrey	Adams, Jarvis IV	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Boehm, Ralph	Brassard, Paul	Buhlman, David
Carter, Mark	Chabot, Robert	Christensen, D L	Clark, Mark

		Chris	
Coughlin, Pamela	Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Foster, Linda	Gargasz, Carolyn
Gibson, John	Golding, William	Goyette, Peter Jr	Hinkle, Peyton
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Mooney, Maureen	Moran, Edward	O'Connell, Timothy
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Shaw, Barbara	Slocum, Lee	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			
MERRIMACK			
Anderson, Eric	Currier, David	DeJoie, John	French, Barbara
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Kidder, David	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Reed, Dennis	Whiting, Herbert	Williams, Robert
ROCKINGHAM			
Allen, Mary	Bettencourt, David	Blanchard, MaryAnn	Cady, Harriet
Camm, Kevin	Coburn, James	Cooney, Richard	Dodge, Robert
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Gould, Kenneth	Headd, James	Hopfgarten, Paul	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Kobel, Rudolph
Langley, Jane	Major, Norman	McKinney, Betsy	Morris, Richard
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Putnam, Ed II
Quandt, Marshall Lee	Rausch, James	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stone, Joseph	Waterhouse, Kevin	Welch, David
Weyler, Kenneth	Winchell, George		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Dunlap, Patricia	Easson, Timothy	Keans, Sandra	Newton, Clifford
Rollo, Michael	Spang, Judith	Twombly, James	Wall, Janet
SULLIVAN			
Converse, Larry	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
NAYS 135			
BELKNAP			
Morrison, Gail	Tobin, William		
CARROLL			
Martin, James	Olimpio, J Lisbeth		
CHESHIRE			

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	
COOS			
Lary, Bruce	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	Nordgren, Sharon	Sokol, Hilda
HILLSBOROUGH			
Allan, Nelson	Balboni, Michael	Barry, J Gail	Beaulieu, Jane
Brundige, Robert	Campbell, David	Carew, James	Carlson, Donald
Chase, Claudia	Christiansen, Lars	Clemons, Jane	Cote, David
Craig, James	Crane, Elenore Casey	DeVries, Betsi	Drisko, Richard
Essex, David	Ginsburg, Ruth	Gorman, Mary	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Messier, Irene
Movsesian, Lori	O'Brien, William	Ober, Lynne	Pilotte, Maurice
Renzullo, Andrew	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Smith, David	Souza, Kathleen		
MERRIMACK			
Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Danforth, James
DeStefano, Stephen	Field, William	Foose, Robert	Gile, Mary
Greco, Vincent	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Buxton, Donald	Casey, Kimberley	Charron, Gene
DiFruscia, Anthony	Forsing, Robert	Gilbert, Karl	Hughes, Daniel
Katsakiores, George	Katsakiores, Phyllis	Moody, Marcia	Norelli, Terie
Powers, James	Quandt, Matthew	Robertson, Carl	Serlin, Christopher
Splaine, James	Stiles, Nancy	Wiley, Robert	Zolla, William
STRAFFORD			
Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Creteau, Irene	Domingo, Baldwin	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Miller, Joseph	Schmidt, Peter
Snyder, Clair	Taylor, Kathleen		
SULLIVAN			
Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter

Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	

and the committee amendment was adopted.
Rep. Thomas Langlais voted Yea and intended to vote Nay.

Rep. Phinizy offered floor amendment (1722h).

Floor Amendment (1722h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2007.

Rep. Phinizy spoke in favor.
Rep. Currier spoke against.
On a division vote, 134 members having voted in the affirmative and 163 in the negative, floor amendment (1722h) failed.

The question now being adoption of the committee report.
Rep. Greco spoke against.
On a division vote, 162 members having voted in the affirmative and 135 in the negative, the committee report was adopted.
Ordered to third reading.

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. **INEXPEDIENT TO LEGISLATE**
Rep. Barbara E. Shaw for State-Federal Relations and Veterans Affairs: The consensus of the committee is that personal retirement accounts are only one part of a suggested social security revision. The bill negates other options. The entire program is still in the discussion stage and other options may still be necessary for a complete final plan. To rule out any viable options at this time is premature. Vote 7-4.
Rep. Coughlin moved Recommit to committee and spoke in favor.
Adopted.
Recommitted to the Committee on State-Federal Relations and Veterans Affairs.

SPECIAL ORDER

SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Roger G. Wells for the Majority of Ways and Means: The majority of Ways and Means agrees with Judiciary that mediation is a valuable new resource which will be available to small businesses and individuals to settle small claims actions. This bill allows the district court to increase the filing fee in small claims cases by $5.00 in order to provide paid professionals to mediate up to 1400 small claims cases per year. The courts have indicated that this service would be available initially in at least one court in each county and in all district courts in the state within one year. Introduction of mediation would result in reducing the backlog of cases in many courts, providing swifter service not only for those choosing mediation, but for all small claims actions. Vote 13-4.
Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill came to Ways and Means after passing the Senate, House Judiciary, and passing on the House floor two weeks ago. The minority of Ways and Means concurs with everything except the funding mechanism. The minority is convinced that the type of mediation at the district court level that this bill calls for is a good idea. The mediation would most likely relieve the work burden on judges, and the minority also concurs that disputes settled in such a manner would likely lead to prompter collections by the prevailing party. However, the minority takes seriously the role of Ways and Means in assuring that programs which pass this House

are properly funded. Quite clearly, for no less than four separate reasons, that is not the case with the $5 increase in the filing fee, up from $55 to $60, being used to pay for mediation. First, as court officials acknowledged, it will not be possible to implement mediation programs in all district courts statewide for as much as a year. Thus, numerous people will be paying the additional $5 but would not be eligible to receive the service in the court of their choice. Secondly, all filers in district court would be required to pay the additional $5 per filing (an estimated 18,000 per year), not simply those who opt to use the mediation service. Third, then there's the matter of cost. Bill proponents note that the $90,000 raised would be used to pay for mediators, who in the trial programs volunteered their time. They would be paid $60 for what will amount to an average of one hour's work. They would not have to be trained lawyers or court personnel, yet simple math reveals that were they to work full time at this job, their salary would amount to $120,000 a year, some $3200 more than district court judges are paid! And they would only handle 1400 of the estimated 18,000 cases filed. Fourth, even more troubling with the funding mechanism for this bill is the inevitable conclusion that must follow, that justice in New Hampshire can be bought and paid for. We are reduced to treating this filing or entry fee as something of a service charge. Instead of paying a judge a salary out of general funds, we are allowing a specially paid mediator to handle the task. Clearly, this is not the purpose of a filing fee, and no matter how noble a cause, this is the wrong direction to go. Some counter that by saying, "It's the New Hampshire way. We've abused filing fees for years and years." It's time to put a stop to this abuse, and the minority strongly believes we should draw the line when it comes to justice. We should no more charge extra for mediation and call it a filing fee than we should charge every parent an enrollment fee to help alleviate teachers salaries when children are enrolled in school.
Reps. Hinkle and Soltani spoke against.
Rep. Wells spoke in favor.

Rep. O'Neil moved the previous question.
Adopted.

Rep. Bettencourt requested a roll call; sufficiently seconded.
The question being adoption of the majority committee report.

YEAS 164 NAYS 119			
YEAS 164			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth		
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS			
King, Frederick	Mears, Edgar	Remick, William	Stohl, Eric
Tholl, John Jr			
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chabot, Robert	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Essex, David
Foster, Linda	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Mooney, Maureen	Moran, Edward	Movsesian, Lori	Pilotte, Maurice
Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara	Slocum, Lee
Smith, David	Velez, Hector	Wheeler, Robert	
MERRIMACK			
Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Buxton, Donald	Coburn, James	DiFruscia, Anthony
Dowd, John	Flanders, John Sr	Flockhart, Eileen	Gillick, Thomas
Gould, Kenneth	Langley, Jane	Major, Norman	Moody, Marcia
Norelli, Terie	Packard, Sherman	Powers, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth
Winchell, George			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Keans, Sandra	Rollo, Michael
Schmidt, Peter	Snyder, Clair	Taylor, Kathleen	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby,	Jillette, Arthur Jr

		Charlotte	
Rodeschin, Beverly			
NAYS 119			
BELKNAP			
Boyce, Laurie	Clark, Charles	Rosen, Ralph	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	
CARROLL			
Babson, David Jr	Chandler, Gene	Merrow, Harry	Patten, Betsey
Stevens, Stanley			
CHESHIRE			
Emerson, Susan			
COOS			
Merrick, Scott	Morneau, Renney	Richardson, Herbert	
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul			
HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Boehm, Ralph	Brassard, Paul	Buhlman, David	Carew, James
Carlson, Donald	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Gibson, John	Goyette, Peter Jr	Hagan, Barbara
Hinkle, Peyton	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	McRae, Karen
Messier, Irene	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
MERRIMACK			
Currier, David	Field, William	Greco, Vincent	Hess, David
Kennedy, Richard	Langlais, Thomas	Marple, Richard	Oliver, James
Reed, Dennis	Soltani, Tony	Whiting, Herbert	
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Cady, Harriet
Camm, Kevin	Charron, Gene	Dodge, Robert	Dumaine, Dudley
Fesh, Bob	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert

Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	McKinney, Betsy
Morris, Richard	O'Neil, Michael	Putnam, Ed II	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Stiles, Nancy	Welch, David
Wiley, Robert	Zolla, William		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin
Easson, Timothy	Newton, Clifford	Twombly, James	
SULLIVAN			
Osgood, Philip Sr	Phinizy, James		

and the majority committee report was adopted.

SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howie Lund for the Majority of Ways and Means: This bill will increase the animal neutering co-payments by $10.00 for those residents that qualify. Under current law, the animal owner has to provide a co-payment of $30.00 for Plan A (adopted animals) and $15.00 for Plan B (animals owned by people on government support programs). The Animal Control Program has greatly helped in reducing costs to municipalities as it relates to animal overpopulation. This program has been responsible for over 46,000 neutering surgeries over the last ten years. This change in the co-payments will allow for approximately 500 additional neuterings per year. The Department of Agriculture has determined this bill may decrease state restricted expenditures by $45,880 in FY 2006 and each year thereafter. There will be no fiscal impact on county and local expenditures or state, county and local revenues. Vote 11-5.

Rep. Kevin L. Camm for the Minority of Ways and Means: This bill increases the fees for participation in the animal population control program (APCP) by $10 for each dog and cat. The APCP has been highly successful at reducing the number of stray dogs and cats, thus reducing euthanasias. Dog owners have been growling since they solely fund the state portion of the program. Last year those license fees amounted to approximately $300,000. Dog owners have been scratched and clawed enough. This program is utilized 80% by cats to 20% by dogs. The minority believes we should take a bite out of this inequality. Cat owners should bear a fairer burden of the expense of the program. For example an amendment could be prepared that raises the fees only on cats and leaves the dogs alone. The bill should be re-committed to the committee for such an evaluation that strives for equal fiscal treatment, otherwise the bill should be ITL.

On a division vote, 172 members having voted in the affirmative and 109 in the negative, the majority committee report was adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to allow reporting from committee beyond the deadline without the required printing of the report and consideration at the present time of ***SB 146-FN-A-L,*** establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.

Reps. Vaillancourt and Mirski spoke against.

Reps. Hager and Whalley spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

The question being adoption of the motion to suspend the rules.

YEAS 179 NAYS 103			
YEAS 179			
BELKNAP			
Fitzgerald, James	Millham, Alida	Morrison, Gail	Tobin, William
Wendelboe, Fran	Whalley, Michael		
CARROLL			
Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	Merrow, Harry	Patten, Betsey	
CHESHIRE			
Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Foote, Sheila	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		
COOS			
King, Frederick	Mears, Edgar		
GRAFTON			
Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			
HILLSBOROUGH			
Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carew, James
Carlson, Donald	Carter, Mark	Chabot, Robert	Chase, Claudia
Christensen, D L Chris	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargasz, Carolyn	Ginsburg, Ruth	Golding, William	Gorman, Mary
Goyette, Peter Jr	Harvey, Suzanne	Irwin, Anne-Marie	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rosenwald, Cindy
Ross, Lawrence	Ryder, Donald	Schulze, Joan	Shaw, Barbara
Slocum, Lee	Smith, David	Velez, Hector	Wheeler, Robert
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Clarke, Claire	Currier, David
Danforth, James	DeJoie, John	DeStefano, Stephen	French, Barbara

Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles
ROCKINGHAM			
Blanchard, MaryAnn	Buxton, Donald	Charron, Gene	Coburn, James
Dowd, John	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gillick, Thomas	Gould, Kenneth	Ingram, Russell	Introne, Robert
Kobel, Rudolph	Major, Norman	Moody, Marcia	Norelli, Terie
O'Neil, Michael	Packard, Sherman	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Rolston, James	Scamman, Stella
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			
STRAFFORD			
Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Johnson, Nancy	Keans, Sandra	Rollo, Michael	Schmidt, Peter
Snyder, Clair	Taylor, Kathleen	Twombly, James	Wall, Janet
SULLIVAN			
Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Rodeschin, Beverly
NAYS 103			
BELKNAP			
Boyce, Laurie	Clark, Charles	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Tilton, Franklin	
CARROLL			
Babson, David Jr	Dickinson, Howard	Olimpio, J Lisbeth	Stevens, Stanley
CHESHIRE			
Dexter, Judson	Hogancamp, Deborah	Roberts, Kris	Sawyer, Sheldon
COOS			
Merrick, Scott	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		
GRAFTON			
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul			

HILLSBOROUGH			
Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Bergeron, Jean-Guy
Boehm, Ralph	Buhlman, David	Christiansen, Lars	Clark, Mark
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Gibson, John
Graham, John	Hagan, Barbara	Hall, Betty	Hinkle, Peyton
Kurk, Neal	Lawrence, James	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Ober, Lynne	Renzullo, Andrew
Rowe, Robert	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	
MERRIMACK			
Blanchard, Elizabeth	Field, William	Foose, Robert	Hamm, Christine
Kennedy, Richard	Langlais, Thomas	Marple, Richard	Oliver, James
Tupper, Frank	Whiting, Herbert		
ROCKINGHAM			
Abbott, Dennis	Allen, Mary	Bettencourt, David	Cady, Harriet
Camm, Kevin	DiFruscia, Anthony	Dodge, Robert	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Forsing, Robert	Gilbert, Karl
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
McKinney, Betsy	Morris, Richard	Putnam, Ed II	Sanders, Elisabeth
Welch, David	Wiley, Robert		
STRAFFORD			
Bickford, David	Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin
Easson, Timothy	Hofemann, Roland	Newton, Clifford	
SULLIVAN			
Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	

and the motion to suspend the rules failed, lacking the necessary two-thirds.
Rep. Major moved Recommit to committee.
Rep. Vaillancourt moved Lay on the Table.
The Speaker declared a brief recess.

RECESS

The Speaker called the House to order and referred SB 146 to the Committee on Ways and Means.

RESOLUTION

Rep. O'Neil 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 Wednesday, June 15, 2005 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 125-FN, repealing health status and geographic location as small group rating factors,

clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.
SB 170, revising the nurse practice act.
SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security.
SB 214, relative to screening panels for medical injury claims.
SB 121, relative to all terrain vehicle trails and relative to the regulation of off highway recreational vehicles by a political subdivision.
SB 63-FN-A, establishing a court mediation fund to pay the costs of a mediation program in the district courts.
SB 91-FN, relative to an increase in the co-payment for participation in the animal population control program.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports, receiving Senate messages, and forming Committees of Conference on the budget bills (HB 1, HB 2 and HB 25).
Adopted.
The House recessed at 6:45 p.m.

RECESS