

HOUSE RECORD

First Year of the 161st General Court Calendar and Journal of the 2009 Session

Vol. 31

Concord, N.H.

Wednesday, June 3, 2009

No. 45

HOUSE JOURNAL No. 17 (cont.)

Wednesday, May 20, 2009

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 18

Wednesday, June 3, 2009

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

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God, You are our shepherd. In Your presence we find all that we need. As we gather today to discuss some very important decisions, lead us first to the green pastures of kindness, still the waters of our discords and restore our souls to openness and wonder. Lead us in the right paths, we pray, paths of peace and compassion and justice for all Your people. Even if we find ourselves walking through unfamiliar valleys where our sight is dim, let us fear not, for You are with us. Your love and Your grace, they comfort us. Indeed, You prepare a table of welcome before us even in the presence of those we would call enemies and invite us to share together at the table of abundance. Let goodness and mercy follow us all the hours of this day that we may be a blessing to one another and to those we are called to serve. In Your Holy name we pray. Amen.

Representative Sherman Packard, member from Londonderry, led the Pledge of Allegiance.

The National Anthem was sung by the member from Canterbury, Representative Frank

Tupper.

LEAVES OF ABSENCE

Reps. Jeudy, Maiola, Rokas and Sanders, the day, illness.

Reps. BurrIDGE, Fields, Flurey, Grassie, Hutz, Thomas Katsiantonis, Rhodes, Timothy Soucy, Daniel Sullivan, Van Patten, Wells and Wendelboe, the day, important business.

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

INTRODUCTION OF GUESTS

Adlai Gordon, guest of Rep. Tupper. Margaret, Ben, Annie and Virginia Drye, guests of Reps. Skinder and Houde-Quimby. Gerry Small, guest of Rep. Lisle. Katrina Richardson and John and Hannah Burleigh, wife, uncle and aunt of Rep. Gary Richardson. Minna Good, guest of Reps. Sad and Lucy Weber. Marie Cushing, mother of Rep. Cushing. Marion Read and Hon. Robin McLane, former member from Portsmouth, daughter and guest of Rep. Robin Read. Mike Jacobsen, spouse of Rep. Thompson. Mary Downing, Peg Bowman, Shirley Bishop, Ruth Belding, John and Paulette Brooks, Peggy Stevens, Rena Edgar, Rose Young, Jim Falzone, Florence Hannabury, and John Slock, guests of Rep. Bolster. Maureen Schneider, mother of Rep. Amy Perkins. Daumanic Fucile and Marissa Feole, son and guest of Reps. Amy Perkins and Lawrence Perkins. 4th grade students from Interlakes Elementary School, guests of the Meredith delegation. Robert, Barbara and Christina Kasper, guests of Rep. Jane Johnson.

Marie Cushing, a student at John Hopkins University, and daughter of Rep. Cushing and Hannah Gomez, a junior at Campbell High School in Litchfield and granddaughter of Rep. Boehm, Pages for the day.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 187-FN, relative to the state building code and establishing a committee to study the sale and installation of manufactured and modular homes and related consumer protections. (Amendment printed SJ 5-13-09)

Rep. Butler moved that the House concur and spoke in favor.
Adopted.

HB 376, relative to condominium association meetings. (Amendment printed SJ 5-20-09)

Rep. Butler moved that the House concur and spoke in favor.
Adopted.

HB 392-FN, establishing an on-premises cigar, beverage, and liquor license. (Amendment printed SJ 5-13-09)

Reps. Butler and Almy moved that the House concur.

Rep. Butler spoke in favor.

Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 278 NAYS 68

YEAS 278

BELKNAP

Arsenault, Beth
Miller, Kate
Russell, David

Bolster, Peter
Millham, Alida
Stuart, Richard

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Flanders, Donald
Reever, Judith
Veazey, John

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Fleck, Joseph	Knox, J. David	McConkey, Mark
Patten, Betsey	Roberts, John	Scala, Dino	Stevens, Stanley
Umberger, Karen	Wiley, Susan		

CHESHIRE

Eaton, Daniel	Emerson, Susan	Hunt, John	Johnson, Jane
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Mitchell, Bonnie
Parkhurst, Henry	Sad, Tara	Sterling, Franklin Jr	Weber, Lucy

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Scott
Richardson, Herbert	Thomas, Yvonne		

GRAFTON

Cooney, Mary	Friedrich, Carol	Gionet, Edmond	Laliberte, Suzanne
Matheson, Robert	Maybeck, Margie	Mulholland, Catherine	Pastor, Beatriz
Townsend, Charles	Ward, Brien	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Belvin, William	Bergin, Peter	Boisvert, Ronald	Campbell, David
Cebrowski, John	Chininis, Alexis	Christiansen, Lars	Cote, David
Craig, James	Daniels, Gary	Day, Russell	Doherty, Shaun
Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Foster, Linda	Gagne, Larry	Gidge, Kenneth	Ginsburg, Ruth
Goley, Jeffrey	Graham, John	Haefner, Robert	Haley, Robert
Hammond, Jill	Harvey, Suzanne	Hawkins, Ken	Hikel, John
Hinch, Richard	Hinkle, Peyton	Hodges, Kevin	Hogan, Edith
Holden, Frank	Hopper, Gary	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Kelley, John	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	LaPlante, Roland
Levasseur, Nickolas	Levesque, Melanie	Lisle, Carolyn	Long, Patrick
Mack, Ron	Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Brien, William	O'Neil, James	Ober, Lynne	Ober, Russell III
Pellegrino, Tony	Pepino, Leo	Peterson, Andrew	Pilotte, Maurice
Poznanski, Brian	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Ryder, Donald	Schulze, Joan
Seidel, Carl	Shaw, Barbara	Silva, Peter	Soucy, Connie
Spaulding, Jayne	Tahir, Saghir	Thompson, Robert	Ulery, Jordan
Villeneuve, Moe	Walsh, Robert Jr	Willette, Robert	Williams, Carol
Winters, Joel			

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Boutin, David	Brown, Carole
Coffey, Jennifer	Davis, Frank	DeJoie, John	DeStefano, Stephen
French, Barbara	Hess, David	Kidder, David	Kotowski, Frank
Lockwood, Priscilla	McGuire, Carol	McMahon, Patricia	Owen, Derek

Palfrey, David
Schuett, Dianne
Tilton, Joy
Webb, Leigh

Porter, Margaret
Shurtleff, Stephen
Tupper, Frank
Wheeler, Deborah

Rice, Chip
Smith, Todd
Wallner, Mary Jane
Yeaton, Charles

Richardson, Gary
Stetson, William
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Cushing, Robert
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Hutchinson, Gina
Itse, Daniel
Kolodziej, Walter
McCarthy, Barbara
Moody, Marcia
Pantelakos, Laura
Quandt, Matt
Sapareto, Frank
Stiles, Nancy
Welch, David

Allen, Mary
Bettencourt, David
Brown, C. Pennington
Charron, Gene
DeSimone, Debra
Dumaine, Dudley
Fesh, Robert
Headd, James
Hutchinson, Karen
Kappler, L. Mike
Lyons, Melissa
McEachern, Paul
Nevins, Chris
Perkins, Amy
Rausch, James
Schlachman, Donna
Sullivan, James

Baldasaro, Alfred
Bishop, Franklin
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Flanders, John Sr
Hoelzel, Kathleen
Ingram, Russell
Katsakiores, George
Major, Norman
McKinney, Betsy
Nord, Susi
Perkins, Lawrence
Read, Robin Jr
Sedensky, John
Tucker, Pamela

Bates, David
Borden, David
Case, Frank
Crisler, Margaret
DiFruscia, Anthony
Emiro, Frank
Garcia, Marilinda
Howard, Doreen
Introne, Robert
Katsakiores, Phyllis
Mann, Maureen
McMahon, Charles
Packard, Sherman
Priestley, Anne
Reagan, John
Splaine, James
Weare, Everett

STRAFFORD

Brennan, William
Burke, Rachel
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Twombly, James

Brown, Jennifer
Cyr, James
Kaen, Naida
Rollo, Deanna
Schmidt, Peter
Vita, Carol

Brown, Julie
Groen, Warren
Lauterborn, Elaine
Rollo, Michael
Smith, Marjorie
Wall, Janet

Browne, Brendon
Hofemann, Roland
Lewis, Robert
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte
Rodeschin, Beverly

Donovan, Thomas Jr
Howard, Thomas

Skinder, Carla

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Osgood, Joe

NAYS 68

BELKNAP

Johnson, William

Merry, Liz

Pilliod, James

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Allen, Peter
Carlson, Nancy
Robertson, Timothy

Butcher, Suzanne
Carr, Daniel
Weed, Charles

Butterworth, Timothy
Laurent, John

Butynski, William
Richardson, Barbara

COOS

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence

Remick, William

Stohl, Eric

GRAFTON

Aguiar, James
Preston, Philip

Bulis, Lyle
Smith, Suzanne

Ford, Susan

Ladd, Rick Jr

HILLSBOROUGH

Beck, Catriona
Gandia, Laura
Hardy, Valerie
Palmer, Stephen

Boehm, Ralph
Gargasz, Carolyn
Harvey, Philip
Shattuck, Gilman

Caron, June
Gorman, Mary
Hebert, Roger
Vaillancourt, Steve

Chandley, Shannon
Hackel, Paul
Marshall, Seth

MERRIMACK

Anderson, Eric
Osborne, Jessie
Williams, Robert

Clarke, Claire
Potter, Frances

Gile, Mary
Reed, Dennis

Kelly, Sally
Watrous, Rick

ROCKINGHAM

Day, Judith
Henson, John
Scamman, W.
Douglas Jr

DiPentima, Rich
Kepner, Susan
Smith, William

Garrity, James
Petterson, Don
Webber, Carolyn

Gould, Kenneth
Scamman, Stella

STRAFFORD

Berube, Roger
Rogers, Rose Marie

Brown, Larry
Vachon, Dennis

Horrigan, Timothy

Keans, Sandra

SULLIVAN

Harris, Sandra
and the motion was adopted.

Sweeney, Cynthia

HB 530-FN, relative to inspection of public buildings for compliance with access standards. (Amendments printed SJ 5-13-09)
Rep. Butler moved that the House concur and spoke in favor.
Adopted.

HB 214, establishing a committee to study health care services in correctional facilities and the issue of access to inmates by medical care, mental health care, and substance abuse treatment providers. (Amendment printed SJ 5-27-09)
Rep. Shurtleff moved that the House concur and spoke in favor.
Adopted.

HB 279-FN, relative to certain missing persons. (Amendment printed SJ 5-13-09)
Rep. Shurtleff moved that the House concur and spoke in favor.
Adopted.

HB 471-FN, relative to willful concealment and fraudulent retail transactions. (Amendment printed SJ 5-13-09)
Rep. Shurtleff moved that the House concur and spoke in favor.

Adopted.

HB 474-FN, prohibiting the trafficking in persons for the purposes of sexual or labor exploitation. (Amendment printed SJ 5-13-09)

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

Adopted.

HB 39-FN, relative to the authority of the state board for the licensing and regulation of plumbers. (Amendment printed SJ 5-13-09)

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

Adopted.

HB 172, allowing naturopathic doctors to dispense prescription drugs which are within their scope of practice. (Amendment printed SJ 5-20-09)

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

Adopted.

HB 256, relative to the New Hampshire accountancy act. (Amendment printed SJ 5-20-09)

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

Adopted.

COMMUNICATION

June 3, 2009

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House, Concord, NH 03301

Dear Karen:

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

Grafton County District No. 11, Andrew White, d, Lebanon (16 Young St.) 03766

Sincerely,

David Scanlan, Deputy Secretary of State

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS (CONT'D)

HB 685-FN, relative to medical benefits payment by the retirement system for certain vested deferred group I members. (Amendment printed SJ 5-20-09)

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

Adopted.

HB 508, relative to the county-state finance commission. (Amendment printed SJ 5-20-09)

Rep. Marjorie Smith moved that the House concur.

Rep. DeJoie spoke in favor.

Adopted.

HB 592-FN, relative to "adverse events" in hospitals and ambulatory surgical centers. (Amendment printed SJ 5-13-09)

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

Adopted.

HB 245, extending study committees and commissions. (Amendment printed SJ 5-20-09)

Rep. Lucy Weber moved that the House concur and spoke in favor.
Adopted.

HB 86, allowing towns to issue citations and accept pleas by mail for local ordinance violations. (Amendment printed SJ 5-6-09)
Rep. Cooney moved that the House concur and spoke in favor.
Adopted.

HB 189, enabling municipalities to establish energy commissions. (Amendment printed SJ 5-20-09)
Rep. Cooney moved that the House concur and spoke in favor.
Adopted.

HB 253, relative to the Gunstock area commission. (Amendment printed SJ 5-27-09)
Rep. Cooney moved that the House concur and spoke in favor.
Adopted.

HB 290, authorizing fluvial erosion hazard ordinances. (Amendment printed SJ 5-20-09)
Rep. Cooney moved that the House concur and spoke in favor.
Adopted.

HB 293, amending the Hampton Beach area commission. (Amendment printed SJ 5-13-09)
Rep. Spang moved that the House concur and spoke in favor.
Adopted.

HB 384, relative to forest management permitting in and near prime wetlands, waivers for work near prime wetlands, and utility maintenance work in any wetland. (Amendment printed SJ 5-13-09)
Rep. Spang moved that the House concur and spoke in favor.
Adopted.

HB 538-FN, relative to penalties for water pollution. (Amendment printed SJ 5-13-09)
Reps. Spang and Shurtleff moved that the House concur.
Rep. Spang spoke in favor.
Adopted.

HB 90-FN, relative to the employment of veterans on Veterans' Day. (Amendments printed SJ 5-13-09)
Rep. Michael Rollo moved that the House concur and spoke in favor.
Adopted.

HB 515, establishing a commission to study alternate fuel vehicles. (Amendment printed SJ 5-6-09)
Rep. Robert Williams moved that the House concur and spoke in favor.
Adopted.

HB 334-FN, relative to consumer credit. (Amendments printed SJ 5-13-09)
Rep. Butler moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Butler, DeStefano, Palfrey and McEachern.

HB 78, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders. (Amendment printed SJ 5-27-09)

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

The Speaker appointed Reps. Welch, Rodd, Willette and Weare.

HB 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine. (Amendments printed SJ 5-13-09)

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

The Speaker appointed Reps. Houde-Quimby, Beck, McGuire and Don Petterson.

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations. (Amendment printed SJ 5-13-09)

Reps. Spang and Shurtleff moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Charron, Chandley, Welch and Pantelakos.

HB 578-FN-L, relative to testimony by video teleconference. (Amendment printed SJ 5-13-09)

Rep. Robert Williams moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. C. Pennington Brown, Stuart, Nedeau and Umberger.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Crisler moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass with Amendment on **SB 33**, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

Reps. Rowe and Cote spoke against.

Rep. Nixon spoke in favor and yielded to questions.

Motion failed.

COMMITTEE REPORTS

CONSENT CALENDAR

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

SB 168-FN, establishing the Coastal Watershed Alliance, removed by Rep. William Smith. Consent Calendar adopted.

SB 102-FN, relative to managed care and patient choice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill sought to require that provider contracts under managed care contain a provision stating that covered persons would have access to any provider in their insurance network. It seems that often a care provider would refer a patient to specialists or services within his/her hospital network or affiliated provider organization to the exclusion of other providers available to the patient within the patient's insurance network. The committee amendment addresses this problem by statements added to the inpatient and outpatient bill of rights, and by requiring a

provision in future contracts between health insurance carriers and care providers stating that no provider employed by a hospital or affiliate is obligated to refer only within that hospital/affiliate network. Insured patients may expect referrals anywhere within their insurance network. Vote 17-0.

Amendment (1560h)

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

1 New Paragraph; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XX the following new paragraph:

XXI. Subject to the terms and conditions of the patient's insurance plan, the patient shall have access to any provider in his or her insurance plan network and referral to a provider or facility within such network shall not be unreasonably withheld pursuant to RSA 420-J:8, XIV.

2 New Subparagraph; Patient Information. Amend RSA 332-I:2, I by inserting after subparagraph (e) the following new subparagraph:

(f) Subject to the terms and conditions of the patient's insurance plan, the patient shall have access to any provider in his or her insurance plan network and referral to a provider or facility within such network shall not be unreasonably withheld pursuant to RSA 420-J:8, XIV.

3 New Paragraph; Managed Care; Provider Contracts. Amend RSA 420-J:8 by inserting after paragraph XIII the following new paragraph:

XIV. Every contract or contract amendment entered into after the effective date of this paragraph between a health care carrier and any provider or facility shall contain a provision stating that no provider employed by a hospital or any affiliate is required or in any way obligated to refer patients to providers also employed or under contract with the hospital or any affiliate. Nothing in this paragraph shall be construed to prohibit health care carriers from providing coverage for only those services which are medically necessary and subject to the terms and conditions of the covered person's policy.

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

SB 50, relative to funds and programs of the department of environmental services.

OUGHT TO PASS WITH AMENDMENT.

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill authorizes the department of environmental services (DES) to use certain dedicated funds for additional purposes such as education promotional programs. The bill also extends certain exemptions from the toxics reduction law and further delays the repeal of the authorization for a pollution prevention program. The amendment adds language allowing the exotic aquatic weeds and species committee to aid the department in the control and eradication of milfoil by soliciting, holding and expending gifts, grants and donations from any source outside of state government to carry out the purposes of the committee. Vote 15-0.

Amendment (1733h)

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

AN ACT relative to funds and programs of the department of environmental services, and relative to the duties of the exotic aquatic weeds and species committee.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 7:

5 Exotic Aquatic Weeds and Species Committee. Amend RSA 487:30, III to read as follows:

III. The committee shall:

(a) Study the spread of exotic aquatic weeds and exotic aquatic species in the waters of New Hampshire [~~The study shall include~~] **including** education, management, and potential means to eliminate the spread of these weeds and species[~~]; and~~

(b) *Aid the department in the control and eradication of milfoil.*

6 New Paragraph; Exotic Aquatic Weeds and Species Committee. Amend RSA 487:30 by inserting after paragraph III the following new paragraph:

III-a. The committee may solicit, hold, and expend gifts, grants, and donations from any source to carry out the purposes of the committee.

AMENDED ANALYSIS

This bill:

I. Authorizes the department of environmental services to use certain dedicated funds for additional purposes.

II. Modifies and extends certain exemptions from the toxics reduction law.

III. Further delays the repeal of the authorization for a pollution prevention program.

IV. Adds to the duties of the exotic aquatic weeds and species committee established under RSA 487:30.

SB 64-FN, relative to increasing dental hygienist membership on the board of dental examiners, and establishing a study of the regulation of dental hygienists. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill, as amended by the Senate, would create yet another study committee and add two hygienists to the board of dental examiners. However, the issues of dental regulation have been extensively and repeatedly studied, most recently last session, and two new study committees were created this year by the passage of HB 301, which studies access to dental care, and HB 414, which concerns prevention of children's dental disease. An additional study committee would not be an appropriate use of resources, and the committee did not feel it would settle the concerns of the hygienists. The real issue – giving hygienists true professional status with a separate board – is not possible after the senate amendments to this bill. Vote 16-0.

SB 171-FN, relative to competency evaluations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill responds to a significant need to provide timely and experienced competency examinations when a plea of insanity is made in court. Current law has limited such examinations to psychiatrists, which has created long court waits as well as lengthy inappropriate incarceration of individuals who should be hospitalized for psychiatric care. The bill expands the pool of qualified psychologists. For the purposes of this legislation, "qualified" has been defined as a licensed psychiatrist or psychologist who is: board certified in forensic psychiatry or forensic psychology; board eligible in forensic psychiatry or forensic psychology; or has demonstrated competence and experience in completing court-ordered forensic criminal evaluations. The bill permits the department to hire a forensic psychiatrist or psychologist licensed by another state under extenuating circumstances (such as a need for specialized expertise). Vote 17-0.

Amendment (1493h)

Amend RSA 135:17, I as inserted by section 1 of the bill by replacing it with the following:

I. When a person is charged or indicted for any offense, or is bound over by any district or municipal court to await the action of the grand jury, the district or superior court before which he or she is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the competency or sanity of the person, may make such order for a pre-trial ~~[psychiatric]~~ examination of such person by a **qualified psychiatrist or psychologist** on the staff of any public institution or by a private **qualified psychiatrist or psychologist** as the circumstances of the case may require, which order may include, though without limitation, examination at the secure psychiatric unit on an out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or

the examination of such person, should he or she be incarcerated for any reason, at his or her place of detention by **qualified** psychiatrists **or psychologists** assigned to a state or local mental health facility. Such pre-trial examination shall be completed within 60 days after the date of the order for such examination, unless either party requests an extension of this period. ***For the purposes of this paragraph and RSA 135:17-a, III, "qualified" means board-eligible or board-certified in forensic psychiatry or psychology, or demonstrated competence and experience in completing court-ordered forensic criminal evaluations. A licensed out-of-state psychiatrist or psychologist who meets the definition of qualified may also conduct evaluations under this paragraph and RSA 135:17-a, III.***

Amend the bill by replacing all after section 2 with the following:

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

SB 178, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would eliminate the position of warden at the Lakes Region corrections facility, if it closes, as proposed in other legislation. A new position would be created of state wide director of community corrections who will report directly to the deputy commissioner. This person will be responsible for direct services for inmates preparing for release, operate and administer all transitional housing units, identify and help secure federal grants to help fund substance abuse, mental health issues and employment assistance. The amendment specifies that the act shall not take place if the Lakes Region facility is not closed, and it directs the department of corrections to report the date of closing to the secretary of state and director of the office of legislative services. Vote 17-0.

Amendment (1871h)

Amend the bill by replacing section 5 with the following:

5 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) as follows:

Delete:

HH Department of corrections warden, Lakes Region facility

Amend the bill by replacing all after section 8 with the following:

9 Salary for Director of Community Corrections. The salary for the unclassified position of director of community corrections established in this act shall be determined in accordance with RSA 14:14-c.

10 Contingency. Sections 1-9 of this act shall take effect if the Lakes Region facility is closed. Sections 1-9 of this act shall not take effect if the Lakes Region facility is not closed. The commissioner of the department of corrections shall report the date of the closing of the Lakes Region facility to the secretary of state and the director of the office of legislative services.

11 Effective Date.

I. Sections 1-9 of this act shall take effect as provided in section 10 of this act.

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

AMENDED ANALYSIS

This bill:

I. Provides that operation of the special school district for eligible offenders shall be a duty of the commissioner of the department of corrections.

II. Establishes the position of director of community corrections in the department of corrections.

III. Eliminates the position of warden of the Lakes Region facility.

- IV. Is contingent on the closing of the Lakes Region facility.
- V. Is a request of the department of corrections.

SB 149, relative to the transition of functions and amending the reporting requirements of the community college system of New Hampshire and making an appropriation therefor.

OUGHT TO PASS WITH AMENDMENT.

Rep. Peter F. Bergin for Finance: The intent of this bill is to define the community college system transition date which was part of the bill passed in 2008 which would establish its community college system as an independent entity. The chancellor of the system and the commissioner of administrative services are still working out various function and reporting procedures to finalize the transition. As a result, the bill was amended to allow them to work out final details and report back to the legislature on September 1, 2009. At this time, action will be taken on the financial responsibility of the community college system. Vote 23-0.

Amendment (1912h)

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Community College System of New Hampshire; Report on Implementation of Business Functions. The chancellor of the community college system of New Hampshire (CCSNH), in consultation with the board of trustees of CCSNH, shall submit a report to the chairpersons of the house and senate education and finance committees no later than September 1, 2009 containing a plan which details the steps necessary to centralize all business functions within CCSNH and the procedures CCSNH will undertake to implement such plan. The report shall also include recommendations for proposed legislation if deemed necessary.

AMENDED ANALYSIS

This bill:

- I. Changes the effective date for the transition of certain functions within the community college system of New Hampshire from July 1, 2009 to July 1, 2011.
- II. Provides that the commissioner of the department of education and the chancellor of the community college system of New Hampshire shall annually issue a joint report on the proposed use and distribution of federal vocational funds.
- III. Makes an appropriation for the purposes of this act.
- IV. Extends the report date of the community college system legislative oversight committee to November 1, 2011.
- V. Requires the chancellor and the board of trustees of the community college system of New Hampshire to submit a report by September 1, 2009 on the centralization and implementation of its business functions.

SB 185-FN, relative to rates and charges for medical services to state prisoners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. W. Douglas Scamman for Finance: This bill limits the fees and rates that healthcare facilities and hospitals may charge the department of corrections for medical services for state prisoners. The amendment makes it clear that corrections will pay 110% of Medicare rates for outpatient services. Previously some services were billed and paid at a higher rate. Corrections and the hospitals are in agreement with this bill. Vote 22-0.

Amendment (1607h)

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

AN ACT relative to payment for medical services to state prisoners.

Amend RSA 623-C:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Except as provided in subparagraphs (b) through ~~[(f), no hospital or emergency room shall charge the department of corrections or its agent more than]~~ **(d), the**

department of corrections or its agent shall pay health care facilities and hospitals 110 percent of the Medicare allowable rate for inpatient, outpatient, or emergency room care provided for prisoners in state correctional facilities. In this chapter, health care facilities mean ambulatory and specialty-medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long term, oncology, and dialysis centers, but shall not include physician practices and community health care clinics.

AMENDED ANALYSIS

This bill clarifies the payment by the department of corrections to health care facilities and hospitals for medical services for state prisoners.

SB 200-FN, relative to retirement system death benefits for members who die while performing military service. **OUGHT TO PASS.**

Rep. Benjamin C. Barody for Finance: This bill provides for the surviving spouse of a group I or group II member who dies while performing qualified military service to receive ordinary death benefits. This is in new federal law, the Heroes Earnings Assistance and Relief Tax Act of 2008. This will also provide continued benefits to the spouse after remarriage. This is as if the member were to receive ordinary death benefits. There will be no impact on state, county or local revenues. Vote 23-0.

SB 112, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kate W. Miller for Health, Human Services and Elderly Affairs: This bill establishes a commission to develop a legislative plan to address the needs of adults with developmental disabilities or acquired brain disorders who present a moderate to high degree of risk to community safety. The committee recognizes that the issues presented by this population require prompt action and that adequate study of the issues has been performed. As amended, this bill refines the role of the commission, outlines specific goals for its mission and adds to its membership to insure appropriate representation by affected parties. Vote 17-0.

Amendment (1359h)

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

AN ACT establishing a commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission that shall develop a strategic, legislative plan to meet the needs of adults with developmental disabilities or acquired brain disorders who present a moderate to high degree of risk to community safety. Amend paragraph I of section 2 of the bill by inserting after subparagraph (l) the following new subparagraphs:

(m) A representative of the governor's commission on disability, appointed by the commission.

(n) A judge, appointed by the chief justice of the New Hampshire supreme court.

(o) A representative of the New Hampshire Association of Counties, appointed by the association.

(p) A member of the New Hampshire Psychological Association, appointed by the association.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. The commission shall:

(a) Make recommendations on developing a permanent state forensics team.

(b) Develop legislation that creates a delivery system for a continuum of services for this population.

(c) Develop an assessment tool for use by the appropriate professional in determining the need for services and the level of services required.

(d) Utilize data from reports and studies already completed to address these issues.

AMENDED ANALYSIS

This bill establishes a commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.

SB 170-FN, relative to benefits for unemployed persons who are attempting to establish a business. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill came at the request of the department of employment security to establish a program to pay benefits to unemployed persons who are attempting to establish a business. This program's estimated cost is 8 million dollars per year. In this economic climate, the department no longer supports this bill. DES is making unemployment payments of 5.5 million dollars per week and it is projected that at this rate the trust fund will be depleted by March 2010. The committee lauds the intent, but understands the fiscal reality. Vote 14-1.

SB 172, relative to eligibility for state-federal extended unemployment benefits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This is a housekeeping bill for the department of employment security. Section I of the bill brings us into compliance with the federal department of labor laws for state and federal extended benefits. Section II provides a trigger mechanism to rescind the extended benefits when the economy improves and the unemployment rate goes below the 6.5 percent. Section III allows the department to use federal funds to provide the needed services. Vote 15-0.

Amendment (1430h)

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

2 State-Federal Extended Benefit Program; Definitions. Amend RSA 282-A:30, I(e) to read as follows:

(e) There is a "New Hampshire off" indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that none of the options in subparagraph I(d) are met:

(1) ~~Was~~ ***The rate of insured unemployment (not seasonally adjusted) under this chapter was:***

(A) Less than 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, or

~~[(2) Was]~~ (B) Less than 5 percent.

(2) ***The average rate of total unemployment in New Hampshire, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of the week was less than:***

(A) 6 ½ percent; or

(B) ***110 percent of the average for either or both of the corresponding 3-month periods ending in the 2 preceding calendar years.***

3 New Paragraph; Money Credited Under Section 903 of the Social Security Act. Amend RSA 282-A:140-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph I, moneys credited with respect to the 2009 special transfer made under section 903(g) of the Social Security Act shall be used by the commissioner, with the consent and acceptance of governor and council, and are not subject

to appropriation by the legislature. Such moneys shall be used effective February 17, 2009 solely for:

(a) Implementing and administering the statutory provisions in RSA 282-A which qualified New Hampshire for the receipt of incentive payments for unemployment compensation modernization pursuant to Section 2003 of Public Law 111-5;

(b) Improved outreach to individuals who might be eligible by virtue of such statutory provisions;

(c) The improvement of unemployment compensation benefit and tax operations, including responding to increased demand for unemployment compensation; and

(d) Staff assisted reemployment services for unemployment compensation claimants.

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

AMENDED ANALYSIS

This bill clarifies the meaning of base period for the determination of eligibility of state-federal extended unemployment benefits.

This bill also allows the commissioner of the department of employment security to use certain federal moneys.

This bill is a request of the department of employment security.

SB 75-L, changing the formula for distribution of highway funds in the Woodsville fire district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E. McConkey for Public Works and Highways: This legislation provides a formula to determine the amount attributable to the Town of Haverhill for appropriation to the highway funds in the Woodsville Fire District. The amendment ratifies the establishment of the West Ossipee fire precinct as a village district. Between 1941 and the present, state, town and West Ossipee fire precinct viewed the WOFP as a municipal corporation properly established. This amendment legalizes, ratifies and confirms this fact. Vote 15-0.

Amendment (1659h)

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

AN ACT changing the formula for distribution of highway funds in the Woodsville fire district and ratifying the establishment of the West Ossipee fire precinct as a village district. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Establishment of West Ossipee Fire Precinct as Village District; Bond Warrant Article Approved. The status of the West Ossipee fire precinct as a village district and a body corporate and politic under RSA 52 is hereby legalized, ratified and confirmed, regardless of the fact that the precinct may not have followed the procedures required by RSA 52, and as such, the bond warrant article passed at the January 10, 2009 annual meeting of the precinct which authorized the purchase and construction of a new fire station on Jewell Hill Road is hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill:

I. Provides a formula for determining the amount attributable to the town of Haverhill for appropriation to the highway funds in the Woodsville fire district.

II. Ratifies the establishment of the West Ossipee fire precinct as a village district.

SB 16, extending the date for completion of the state park system development plan.

OUGHT TO PASS WITH AMENDMENT.

Rep. Susan R. Kepner for Resources, Recreation and Development: This bill extends the completion date for the ten-year state park system development plan, needed to accommodate input from the many stakeholders and new parks director. The amendment establishes a state historic sites fund. Our historic sites are in desperate need of repair,

some being closed due to safety concerns. This new fund will allow the bureau of historic sites to accept and spend donations, grants, and gifts, which enables donors to be assured that their gifts will go specifically for their desired purpose, rather than going into the general parks account. The committee worked closely with the Ways and Means committee on this bill and the amendment resolves any problem that the committee had. Vote 15-0.

Amendment (1709h)

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

AN ACT extending the date for completion of the state park system development plan and establishing a state historic sites fund.

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

2 New Section; State Historic Sites Fund Established. Amend RSA 12-A by inserting after section 10-e the following new section:

12-A:10-f State Historic Sites Fund Established.

I. There is hereby established in the office of the state treasurer a fund to be known as the state historic sites fund which shall be kept separate and distinct from all other funds. Such fund shall be the depository of all donations, gifts, and grants received from the bureau of historic sites pursuant to RSA 12-A:10-e. All moneys in such fund shall be nonlapsing and continually appropriated to the bureau of historic sites for the purposes set forth in RSA 12-A:10-e, including the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the state historic sites properties under the administration of department of resources and economic development.

II. The bureau may institute a promotional program to solicit and receive any gifts, grants, or donations pursuant to its duties under RSA 12-A:10-e, and to deposit such gifts, grants, or donations in the state historic sites fund.

III. Notwithstanding the provisions of RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the bureau of historic sites operations and facilities using field purchase orders.

IV. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the operation of the bureau of historic sites. The commissioner shall report on a quarterly basis, to the fiscal committee of the general court and the governor and council, all transfers accomplished under the provisions of this section. RSA 9:17-a and RSA 9:17-c shall not apply to this section.

3 New Subparagraph; Dedicated Fund; State Historic Sites Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the state historic sites fund under RSA 12-A:10-f.

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

AMENDED ANALYSIS

This bill:

I. Extends the date for completion of the state park system development plan by one year to September 30, 2009. The bill also extends the date for completion of the development plan progress report by one year to June 1, 2009.

II. Establishes a state historic sites fund.

SB 124, relative to beaver dams. OUGHT TO PASS WITH AMENDMENT.

Rep. Jayne E. Spaulding for Resources, Recreation and Development: This bill allows landowners, towns or the state to remove dams or install beaver pipes or beaver fences on property under their control to protect property, public highways, or bridges from damage or submersion. Only problematic beaver dams are covered under this bill. Dam removal is allowed without a permit if machinery does not enter the water, and there is no dredging or filling. Removal is to be done gradually to avoid a sudden release of impounded water. The issue of upstream or downstream property owners' ability to have a role in the removal of dams was raised. Input from the Attorney General's Office and other legal testimony

convinced the committee that this issue is a property rights issue that should be addressed privately or, if necessary, through the courts. Vote 15-0.

Amendment (1900h)

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Fur Bearing Animals; Protection of Beaver. Amend RSA 210:9, II to read as follows:

II. Notwithstanding paragraph I or any other provision of law or rule of the executive director or the department of environmental services, a landowner, ~~[a landlord's employee, tenant, or caretaker]~~ **the landowner's agent**, or any town or municipal or state official or employee, may destroy beaver ~~[and]~~, **remove** beaver dams, **or install beaver pipes or beaver fences** on property under their control to protect property, public highways, or bridges from damage or submersion ~~[with the permission of the owner of lands affected, if applicable]~~. ***Dam removal shall be allowed without a permit under RSA 482-A if machinery does not enter the water and filling or dredging in or adjacent to surface water, wetlands, or their banks does not occur. Removal shall be done in a gradual manner that does not allow a sudden release of impounded water so as to cause erosion, siltation, or a safety hazard downstream.***

II-a. For purposes of paragraph II, the term "beaver pipes" means no more than 3 temporary structures with the widest dimension no larger than 15 inches that is placed in a beaver dam to allow water passage to maintain a specific water surface elevation, and the term "beaver fences" means posts and fencing installed at culverts in such a manner as to either encourage or discourage beaver damming against the fence.

SB 196, relative to non-judicial punishment for offenses by military officers and personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: This bill was requested by the adjutant general to allow the National Guard to upgrade and modernize its regulations. The bill defines minor offenses and helps protect basic rights of all enlisted personnel. Also the bill holds officers and senior enlisted members to a higher standard of conduct. Vote 10-0.

Amendment (1599h)

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

AN ACT relative to non-judicial punishment for minor offenses by military officers and personnel.

Amend RSA 110-B:40 as inserted by section 1 of the bill by replacing it with the following:

110-B:40 Non-Judicial Punishment. Under such regulations as the adjutant general may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses, impose disciplinary punishment upon officers, warrant officers, and enlisted personnel of the command without intervention of a court-martial. "Minor offenses" mean acts or omissions that are minor offenses under the punitive articles of the Manual for Courts-Martial (MCM) and under the criminal statutes of the state of New Hampshire. Whether an offense is minor depends on several factors: the nature of the offense and the circumstances surrounding its commission; the offender's age, rank, duty assignment, record, and experience; the maximum sentence imposable for the offense if tried by general court-martial, and whether the offense is a felony under state law. Ordinarily, a minor offense is an offense for which the maximum sentence imposable would not include a dishonorable discharge or confinement in excess of 5 years. The decision whether an offense is "minor" is a matter of discretion for the commander imposing nonjudicial punishment, but nonjudicial punishment for an offense other than a minor offense even though thought by the commander to be minor is not a bar to trial by court-martial for the same offense. However,

the accused may show at trial that nonjudicial punishment was imposed, and if the accused does so, this fact shall be considered in determining an appropriate sentence.

AMENDED ANALYSIS

This bill authorizes the adjutant general to prescribe non-judicial punishment regulations for minor offenses by military officers and personnel.

SB 65-FN, relative to the acceptance of in lieu payments for the restoration or creation of wetlands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill enables developers to volunteer in lieu payments for shoreline or stream resource losses created during development as opposed to purchasing and preserving wetlands of equal size. This is being added to the wetland in lieu payments program that was created to address the problem developers had in funding appropriate land parcels to preserve in the area needed. The program has strong support from both developers and those concerned with protecting the environment. The wetland in lieu payments program cost has been paid for, by an administrative fee and a federal grant. The federal grant ran out of funds in April of 09 and is not being replaced. Thus, fees have to be adjusted to offset administrative costs. The committee reviewed the method of calculating the in lieu payments and found the factors utilized were insufficient to support the cost of the activity. The committee believes it is necessary to have a study committee to address this issue properly and amended the bill to establish one to meet this summer and propose an appropriate administrative fee. The amendment also has a provision that the current in lieu payments fund pays the administrative cost of the in lieu payments program. The amendment sunsets this provision as of June 2010. The committee believes the appropriate fee can be legislated prior to that date. Vote 14-1.

Amendment (1920h)

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

AN ACT relative to the acceptance of in lieu payments for the restoration or creation of wetlands and establishing a committee to study the administrative fee percentage for such in lieu payments.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Payment for Stream or Shoreline Losses. Amend RSA 482-A by inserting after section 30 the following new section:

482-A:30-a Payment for Stream or Shoreline Losses. For stream or shoreline resource losses, the in lieu payment shall be the sum of:

I. The cost that would have been incurred if a stream of the same type was restored at the ratios adopted by the department, based on a price of \$200 per linear foot of channel or bank impacts or both, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1; and

II. An administrative assessment equal to 5 percent of the amount in paragraph I.

6 Rulemaking. Amend RSA 482-A:31, II to read as follows:

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 **and RSA 482-A:30-a** which shall approximate the total cost of wetlands construction, **stream construction**, or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of 5 percent of the total cost shall be added as part of the calculation method.

7 Aquatic Resource Compensatory Mitigation Fund. Amend RSA 482-A:29, II to read as follows:

II. The fund may ~~[not]~~ be used to ~~[pay state personnel costs except, upon approval of the fiscal committee,]~~ **supplement the administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II** to support up to ~~[one]~~ **2** full-time ~~[position]~~ **positions**

for administration of the fund and related projects. [~~Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III shall be used for this purpose.~~]

8 Aquatic Resource Compensatory Mitigated Fund. RSA 482-A:29, II is repealed and reenacted to read as follows:

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III shall be used for this purpose.

9 Committee Established. There is established a committee to study the administrative fee percentage under RSA 482-A:30, III, RSA 482-A:30-a, II, and RSA 482-A:31, II and to recommend a new administrative fee percentage adjusted to cover the cost of the program.

10 Membership and Compensation.

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

(a) Three members of the house of representatives, 2 from the ways and means committee and one from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

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

11 Duties. The committee shall study the administrative fee percentage under RSA 482-A:30, III, RSA 482-A:30-a, II, and RSA 482-A:31, II and recommend a new administrative fee percentage adjusted to cover the cost of the program.

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

13 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the chairman of the house ways and means committee, the chairman of the senate ways and means committee, and the state library on or before November 1, 2009.

14 Effective Date.

I. Section 2 of this act shall take effect July 1, 2010, at 12:01 a.m.

II. Section 8 of this act shall take effect July 1, 2010.

III. Section 7 and sections 9-14 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Permits the department of environmental services to accept in lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetlands, streams, rivers, and their riparian habitats.

II. Establishes a committee to study the administrative fee percentage for such in lieu payments.

SB 106-FN, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: The bill was established to lessen the number of civil writ hearings held in the already overburdened courts. Using the mediation program established for the small claim courts, parties can request mediation as opposed to a hearing for civil writs; this method has successfully reduced the back up in small claims courts. The committee was concerned the version submitted to the committee placed a large fee for each case heard to cover program cost, which would discourage use. Again using the successful

small claims mediation program as noted, the committee amended the fee part of the bill back to its original form, a \$10.00 fee on each entry fee for a civil writ to cover the cost of the program. Vote 19-0.

Amendment (1597h)

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

AN ACT establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs.

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; District Court Entry Fees. Amend RSA 502-A:28 by inserting after paragraph II the following new paragraphs:

III. The sum of \$10 shall be added to each entry fee collected in the district courts for civil writs and shall be deposited in the mediation and arbitration fund established under RSA 490-E:4. Costs of the civil writ mediation program in the district courts shall be paid from this fund. The following shall apply to the civil writ mediation program in the district courts:

(a) Participation in the mediation session shall not be mandated by the court;

(b) Mediation reports and proceedings shall not be released to any judge or other officers of the court who may later decide or rule on the case without the written consent of all parties participating in the mediation; and

(c) Statements made during mediation sessions by the parties or their counsel shall not be considered competent or admissible evidence for any purpose during any subsequent proceedings in that case or any other civil or administrative proceeding.

AMENDED ANALYSIS

This bill establishes a program for mediation of civil writs in the district court and funds the program with a surcharge on the filing fee for civil writs.

SB 107-FN, relative to the leasing of state-owned real estate on public waters. **OUGHT TO PASS.**

Rep. William G. Johnson for Ways and Means: This bill would bring state leases of public land into uniformity. The increase in the leasing fee merely brings the fee level to current market price, to be readjusted every five years tied to the bureau of labor statistics. The increase only affects state restricted funds in a minimal way. Vote 18-1.

SB 114, relative to the threshold for notification for lead levels and a window replacement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William G. Johnson for Ways and Means: This bill provides for an earlier notification date based on lower levels of lead paint in a child's blood. This allows the child's parents to address the health issue and the property owner to remediate the lead paint problem. The bill also establishes a program for window replacements, the primary source of lead paint poisoning. The committee amendment adds a provision for a pilot program for window replacement, recognizes the availability of other funding sources, and adds a reporting requirement. Vote 14-1.

Amendment (1796h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Lead Paint; Window Replacement Program. Amend RSA 130-A:2 by inserting after paragraph II the following new paragraph:

III. The commissioner shall establish, in accordance with rules adopted under RSA 541-A, a window replacement program. The program shall be made available to owners of dwellings and dwelling units and funded by the lead poisoning prevention fund, established in RSA 130-A:15, and other available moneys, when the commissioner determines there are enough moneys in such fund to sustain such a program. Pilot projects may begin as soon as

funds are available. The commissioner shall make a report on the parameters of the program, funding acquired and sought, and program expenditures to the health and human services oversight committee, established in RSA 126-A:13, and to the chairperson of the house ways and means committee on or before September 1, 2010.

AMENDED ANALYSIS

This bill lowers the threshold for notifying the owner of property where a child resides for the presence of lead levels in the child's blood. This bill also requires the commissioner of the department of health and human services to establish a window replacement program which would be available to owners of dwellings and dwelling units when the commissioner determines there are moneys available for such program.

SB 134-FN, relative to the comprehensive shoreland protection act. **OUGHT TO PASS.** Rep. Susan G. Price for Ways and Means: Modifications to the comprehensive shoreline protection act reduce the fee for permit by notification for restoration of water quality improvement projects to \$100 and \$250 for all other permit by notification projects. Other fees remained unchanged. The reduced fee is expected to increase compliance with the act. Vote 18-0.

SB 167-FN, relative to employee leasing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Hatch for Ways and Means: This bill makes enhancements to current law regarding employee leasing companies. Changes include requirements that leasing companies provide audited financial statements each year, and have a minimum of \$100,000 in working capital or other surety with a \$100,000 minimum. The committee added an amendment to address potential problems with "under the table" payments to employees which was of serious concern to the department of revenue administration. Vote 19-0.

Amendment (1716h)

Amend RSA 277-B:9, II(j) as inserted by section 8 of the bill by replacing it with the following:

(j) Acknowledging and accepting the responsibility that all compensation paid to an employee shall be stated in the contract between the employee leasing company and the client company. No amounts shall be paid or promised to any employee that are not included in such contract. Responsibility shall include but shall not be limited to all payroll taxes, federal and state taxes, additional premium for insurances including but not limited to workers compensation insurance and additional matching contributions if any.

SB 176-FN, establishing an application fee for probationers and parolees who apply to be supervised in another state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W. Davis for Ways and Means: This legislation will allow the department of corrections to charge an application fee of up to \$100 for requests made by any person under state probation or parole supervision to transfer to another state. The committee amended the bill to delete the reference to establishing a dedicated fund for the revenue and directed that all fees collected shall be deposited into the general fund. This legislation allows the commissioner of the department to waive the fee. Vote 17-0.

Amendment (1688h)

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

1 New Paragraph; Probationers and Parolees; Supervision and Service Charges. Amend RSA 504-A:13 by inserting after paragraph III the following new paragraph:

IV. Any person under state probation or parole supervision who requests a transfer of supervision to another state shall submit such request on a form to be developed by the commissioner of the department of corrections along with an application fee not to exceed

\$100. The commissioner may waive the fee as deemed appropriate under the circumstances. All fees collected under this paragraph shall be deposited into the general fund.

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

AMENDED ANALYSIS

This bill:

I. Requires any person under state probation or parole supervision to submit an application and a fee to request a transfer of supervision to another state.

II. Is a request of the department of corrections.

REGULAR CALENDAR

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Executive Departments and Administration: This bill sets up a commission to review the current regulation of boilers and pressure vessels in order to enhance renewable energy options in New Hampshire. Currently, smaller European designed biomass (wood pellet) boilers can be sold in New Hampshire for residential use. However, boilers that are designed to heat a building for more than two families or heat larger facilities (a school or a municipal building) must meet the American Society of Mechanical Engineer's (ASME) boiler code. Larger European boilers must meet the European code, EN303-5. The European code addresses many of the same concerns as the ASME code but these two codes are not identical. The ASME requirements are also referenced in the New Hampshire Industrial and Commercial Building Code for Boiler Standards. Because the larger European boilers do not coincide with the ASME code, they cannot be installed in New Hampshire. There are companies in New Hampshire that are interested in importing these boilers and are unable to do so at this time. These companies support legislation that would accelerate the deployment of ultra-clean burning, high efficiency biomass boilers manufactured to the European standard mentioned above. The Executive Departments and Administration Committee and the Science, Technology and Energy Committee worked on SB 98 together and determined that it was time to seriously address the possibility of legislation that would allow the rapid adoption of this technology in New Hampshire in order to advance New Hampshire's renewable energy and climate change agenda, as well as generate new jobs. The amendment changes the commission to a legislative study committee that includes two members from the Executive Departments and Administration Committee and two members from the Science, Technology and Energy Committee who will work with the experts to prepare legislation for the 2010 session. Vote 17-0.

Amendment (1839h)

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

AN ACT establishing a committee to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

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

1 Committee Established. There is established a committee to study state regulations governing installation of boilers, pressure vessels, and related high performance heating, ventilating, and air conditioning (HVAC) equipment.

2 Membership and Compensation.

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

(a) One member of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, 2 of whom shall be members of the science, technology and energy committee and 2 of whom shall be members of the executive departments and administration committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Study existing boiler and pressure vessel regulations and make recommendations on how to modernize these regulations so that they encourage innovation and adoption of high efficiency, low emission heating, and combined heat and power technology, while ensuring continued emphasis on public health and safety.

II. Study and make recommendations on related state statutes and rules governing installation of high performance HVAC technology to ensure that these rules do not impose an undue constraint on deployment of new technology including technology available outside the United States.

III. Evaluate and make recommendations on related state statutes and regulations determined to be relevant, at the discretion of the committee.

IV. Analyze the impact high efficiency boilers and combined heat and power systems may have on achieving National Ambient Air Quality Standards (NAAQS).

4 Chairperson; Quorum. 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. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2009.

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

AMENDED ANALYSIS

This bill establishes a committee to study state regulations governing installation of boilers, pressure vessels, and related high performance heating, ventilating, and air conditioning equipment.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 67-FN-A, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John DeJoie for Finance: This bill specifies the method to be used by the department of health and human services when distributing appropriations to AIDS services organizations (ASO's). The committee amendment removes a specific amount of appropriation, since it is unclear what the appropriation will be, while preserving the distribution methodology. Other portions of the bill are as they were previously approved by the House. Vote 19-2.

Amendment (1960h)

Amend the bill by replacing section 1 with the following:

1 Human Immunodeficiency Virus; New Hampshire Care Program; Grants to AIDS Services Organizations. Amend 2007, 367:2 to read as follows:

367:2 Department of Health and Human Services; Grants to AIDS Services Organizations. The department shall distribute **grants** to the ~~[specified agencies the total sum of \$500,000]~~ **following AIDS services organizations** in the fiscal [year] **years** ending June 30, [2008] **2010** and ~~[the total sum of \$500,000 in the fiscal year ending]~~ June 30, [2009] **2011** ~~[for grants to the following AIDS services organizations]:~~ a Community Resource Network (ACORN) in Lebanon; AIDS Response-Seacoast in Portsmouth; AIDS Services for Monadnock in Keene; the ~~[Greater Manchester AIDS Project]~~ **Merrimack Valley Assistance Program**; and Southern New Hampshire HIV/AIDS Task Force in Nashua. The department shall fund said grants from funds appropriated to the department in the state

operating budget in fiscal years ~~[2008 and 2009]~~ **2010 and 2011**. The awarding of such grants to the specified agencies by the department of health and human services shall be on a per capita basis. The administration of these grants by the department of health and human services shall follow the procedures established by the ~~[Boston Public Health Commission AIDS Program, both for eligibility and billing]~~ **New Hampshire Care program**.

AMENDED ANALYSIS

This bill clarifies the funding for certain AIDS services organizations. This bill repeals the provision of law for the funding for the human immunodeficiency virus through the department of health and human services for the purchase of antiretroviral drugs.

This bill also requires the legislative branch to lapse \$700,000 to the general fund on June 30, 2009.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 89-FN, relative to unemployment overpayments. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: This bill will grant immunity for unemployment overpayments to recipients who receive benefits through no fault of their own. Neither the claimant nor the employer would be charged with the overpayment. The unemployment compensation trust fund would be charged. Vote 21-2.

Committee report adopted and ordered to third reading.

SB 144-FN, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B. Keans for Finance: This legislation was requested by the department of employment security (DES). It removes the disqualification for unemployment benefits for individuals who leave work to move with a spouse who is relocating for employment, such as a military spouse who is transferred. It also removes the disqualification for those who leave employment to care for a member of the immediate family who is ill or injured. It should be noted that, even with these changes, a person must still be available for and seeking work to be eligible for benefits. For example, someone who leaves work to care for an ill family member would not be eligible as long as he or she is prevented from working because of caregiving responsibilities. These changes make the law more "family friendly," and will allow New Hampshire to receive \$20.9 million in federal stimulus funds that will help the department to pay benefits in this time of high unemployment. DES projections indicate that the cost of these measures to the unemployment trust fund will be small compared to the benefit of the federal dollars they will enable the state to receive. Vote 13-9.

Amendment (1730h)

Amend the bill by replacing section 1 with the following:

1 Unemployment Benefit Eligibility. Amend RSA 282-A:32, I(a)(2)-(3) to read as follows:

(2) An individual terminates employment in good faith to accept better full-time employment, which is to begin within a reasonable period, and subsequently becomes unemployed from such employment due to unavailability of work before earning the requalifying wages set forth in this section. Notwithstanding any other provision of this chapter, such subsequent employer shall be deemed to be that individual's most recent employer; ~~or~~

(3) ~~[The leaving of employment was necessary to protect the individual from domestic abuse, as defined in RSA 173-B:1 and in accordance with rules adopted by the commissioner, and the individual made all reasonable efforts to preserve the employment, and in addition:~~

~~(A) The individual relocated to escape the abuse; or~~

(B) The individual, due to changed circumstances, is able to return to the individual's employment, but the employer is unable to return the individual to the individual's job, or to comparable work, due solely to:

(i) A reduction in work force; or

(ii) Other economic conditions, and the individual did all things that a reasonably prudent person would have done to continue the employer employee relationship or the possibility of reemployment during the period the individual was unable to work due to the domestic abuse;] ***The individual reasonably believes that separation from employment is necessary to protect himself or herself or any member of his or her immediate family from domestic abuse, as defined in RSA 173-B:1. The existence of domestic abuse shall be verified by the department, through reasonable documentation, and the department shall keep such information confidential;***

(4) The individual is separated from employment because he or she has become unable to perform some or all of his or her job duties due to pregnancy or to an illness or injury that is not work-related, provided that a physician has attested to the individual's inability to perform work duties in a written notice. Nothing in this section shall relieve an employer of the duty to provide reasonable accommodation as that term is defined by state or federal law;

(5) The leaving of employment was necessary to allow the individual to accompany his or her spouse to a place from which it is impractical for the individual to commute due to a change in location of the spouse's employment; or

(6) The leaving of employment was due to the illness or disability of a member of the individual's immediate family as those terms are defined by the Secretary of the United States Department of Labor.

Amendment adopted.

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

Rep. Kurk spoke against.

Rep. Keans spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 208 NAYS 164

YEAS 208

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Pilliod, James

Flanders, Donald
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Ahlgren, Christopher
Wiley, Susan

Bridgham, Robert

Buco, Thomas

Butler, Edward

CHESHIRE

Allen, Peter
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William

Ingersoll, Paul Sr

Mears, Lucy

Merrick, Evalyn

Merrick, Scott

Remick, William

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandley, Shannon
Craig, James
Garrity, Patrick
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Nixon, David
Poznanski, Brian
Shattuck, Gilman
Willette, Robert

Beauchamp, Roger
Boisvert, Ronald
Chase, Claudia
Farley, Michael
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Holden, Rip
Knowles, John
LaPlante, Roland
Mack, Ron
O'Neil, James
Ramsey, Peter
Shaw, Kimberly
Williams, Carol

Beaulieu, Jane
Campbell, David
Chininis, Alexis
Foster, Linda
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Infantine, William
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth
Peterson, Andrew
Rosenwald, Cindy
Thompson, Robert

Beck, Catriona
Caron, June
Cote, David
Gargas, Carolyn
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
DeStefano, Stephen
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Williams, Robert

Clarke, Claire
French, Barbara
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Cushing, Robert
Kepner, Susan
McEachern, Paul
Pettersen, Don
Schlachman, Donna

Belanger, Ronald
Brown, C. Pennington
DiPentima, Rich
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Splaine, James

Bishop, Franklin
Cali-Pitts, Jacqueline
Henson, John
Mann, Maureen
Nord, Susi
Russell, Joseph
Webber, Carolyn

Borden, David
Casey, Kimberley
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Russell, Trink

STRAFFORD

Berube, Roger
Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brennan, William
Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Jennifer
Burke, Rachel
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 164

BELKNAP

Boyce, Laurie
Russell, David

Johnson, William
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Nedeau, Stephen
Veazey, John

CARROLL

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Long, Patrick

Belvin, William
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Katsiantonis, George
Matarazzo, Anthony
Sr

Boehm, Ralph
Daniels, Gary
Drisko, Richard
Gandia, Laura
Hikel, John
Holden, Frank
Kurk, Neal
McCarthy, Michael

Cebrowski, John
Day, Russell
Elliott, Nancy
Graham, John
Hinch, Richard
Hopper, Gary
L'Heureux, Robert
Mead, Robert

Messier, Irene
Ober, Russell III
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Moran, Edward
Palmer, Stephen
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Tahir, Saghir
Winters, Joel

Ober, Lynne
Pepino, Leo
Rowe, Robert
Silva, Peter
Ulery, Jordan

MERRIMACK

Anderson, Eric
Kidder, David
Palfrey, David

Boutin, David
Kotowski, Frank
Reed, Dennis

Coffey, Jennifer
Lockwood, Priscilla
Smith, Todd

Hess, David
McGuire, Carol
Webb, Leigh

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Case, Frank	Charron, Gene	Comerford, Timothy
Crisler, Margaret	Day, Judith	DeSimone, Debra	Devine, James
Dowling, Patricia	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Gleason, John	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Howard, Doreen
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Kappler, L. Mike	Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Priestley, Anne
Quandt, Matt	Rausch, James	Reagan, John	Sapareto, Frank
Scamman, Stella	Scamman, W.	Sedensky, John	Smith, William
	Douglas Jr		
Stiles, Nancy	Sullivan, James	Tucker, Pamela	Weare, Everett
Welch, David			

STRAFFORD

Bickford, David	Cyr, James	Groen, Warren	Twombly, James
Vita, Carol			

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the committee report was adopted.
Ordered to third reading.

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

OUGHT TO PASS.

Rep. Peter F. Bergin for Finance: This bill was passed by the House as part of the defining education adequacy as a result of the court order. The financial impact will be on the state for an additional person at the department of education. There will be no fiscal impact on state, county and local revenue or county expenditures. Vote 13-10.

Rep. Belvin spoke against.

Rep. Bergin spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 230 NAYS 144

YEAS 230

BELKNAP

Arsenault, Beth	Bolster, Peter	Johnson, William	Merry, Liz
Miller, Kate	Millham, Alida	Pilliod, James	Reever, Judith
Stuart, Richard			

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Fleck, Joseph
Wiley, Susan			

CHESHIRE

Allen, Peter
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Meader, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott

Ingersoll, Paul Sr
Stohl, Eric

Mears, Lucy
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Preston, Phillip
Ward, Brien

Cooney, Mary
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Craig, James
Foster, Linda
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Marshall, Seth

Beauchamp, Roger
Boisvert, Ronald
Chininis, Alexis
Dokmo, Cynthia
Gargasz, Carolyn
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Katsiantonis, George
Komi, Richard
Levesque, Melanie
Matarazzo, Anthony
Sr

Beaulieu, Jane
Campbell, David
Clemons, Jane
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Messier, Irene

Beck, Catriona
Chandley, Shannon
Cote, David
Farley, Michael
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Infantine, William
Knowles, John
LaPlante, Roland
Mack, Ron
Movsesian, Lori

Nixon, David
Poznanski, Brian
Schulze, Joan
Thompson, Robert

O'Neil, James
Price, Pamela
Shattuck, Gilman
Walsh, Robert Jr

Peterson, Andrew
Ramsey, Peter
Shaw, Barbara
Williams, Carol

Pilotte, Maurice
Rosenwald, Cindy
Shaw, Kimberly
Winters, Joel

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeJoie, John
Kelly, Sally
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
DeStefano, Stephen
Kidder, David
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Hutchinson, Gina
Mann, Maureen

Belanger, Ronald
Brown, C. Pennington
Cushing, Robert
Gould, Kenneth
Katsakiores, Phyllis
McCarthy, Barbara

Bishop, Franklin
Cali-Pitts, Jacqueline
Day, Judith
Henson, John
Kepner, Susan
McEachern, Paul

Borden, David
Case, Frank
DiFruscia, Anthony
Howard, Doreen
Lyons, Melissa
Moody, Marcia

Nevins, Chris
Read, Robin Jr
Smith, William

Nord, Susi
Russell, Joseph
Splaine, James

Pantelakos, Laura
Russell, Trink
Stiles, Nancy

Petterson, Don
Schlachman, Donna
Webber, Carolyn

STRAFFORD

Berube, Roger
Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brennan, William
Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Jennifer
Burke, Rachel
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Julie
Cyr, James
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 144

BELKNAP

Boyce, Laurie
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Nedeau, Stephen
Veazey, John

Russell, David

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Knox, J. David
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Williams, Burton

Gould, Franklin

Ingbretson, Paul

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Mead, Robert

Belvin, William
Christensen, Chris
Doherty, Shaun
Gandia, Laura
Hikel, John
Holden, Frank
Kurk, Neal
Moran, Edward

Boehm, Ralph
Christiansen, Lars
Drisko, Richard
Graham, John
Hinch, Richard
Holden, Rip
L'Heureux, Robert
O'Brien, William

Caron, June
Daniels, Gary
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
McCarthy, Michael
Ober, Lynne

Ober, Russell III
Pratt, Calvin
Seidel, Carl
Tahir, Saghir
Willette, Robert

Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Pepino, Leo
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Boutin, David
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Hess, David
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Kappler, L. Mike
McKinney, Betsy
Perkins, Lawrence
Reagan, John

Bailey, Clinton
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Hagan, Joseph
Ingram, Russell
Katsakiores, George
McMahon, Charles
Priestley, Anne
Sapareto, Frank

Baldasaro, Alfred
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Garritty, James
Headd, James
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Quandt, Matt
Scamman, Stella

Bates, David
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
Major, Norman
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Weare, Everett

Sedensky, John
Welch, David

Sullivan, James

Tucker, Pamela

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Howard, Thomas
and the committee report was adopted.
Ordered to third reading.

Osgood, Joe

Rodeschin, Beverly

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: This bill requires a 60 day advance notice to employees of plant closings and lay offs. This applies to businesses with 80 employees or more. There are safeguards in place to protect the employer. If the faltering company is making good faith efforts to seek capital then the employer is exempt from the notice requirement. Also, the bill does not include personal liability. There were closings in New Hampshire where no notice was given, employees did not receive their final paychecks, and, in some cases, discovered their health insurance premium deductions had not been paid. This bill allows the department of labor to investigate, to determine violations and assess civil penalties. SB 40 protects employers and employees. Vote 13-2.

Rep. John B. Sedensky for the Minority of Labor, Industrial and Rehabilitative Services: Whereas this legislation pertains to all companies with 80 or more employees, the minority believes this places New Hampshire at an economic disadvantage because all other New England states have a threshold set at 100 employees. We should be passing legislation that lessens the regulatory burden on business, not legislation like SB 40 that gives business a

reason to look elsewhere when they are looking for a place to move or expand.

Majority Amendment (1711h)

Amend RSA 275-F:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) "Employer" means any business enterprise that employs in New Hampshire:

(1) Eighty or more employees, excluding part-time employees; or

(2) Eighty or more employees who in the aggregate work at least 3,200 hours per week, exclusive of hours of overtime.

(b) For purposes of this chapter, any entity that directly or indirectly owns and operates a business enterprise in New Hampshire that satisfies the criteria in paragraph IV(a) is an employer, and any parent corporation is an employer as to any business enterprise directly owned and operated by its corporate subsidiary to the extent the parent corporation has knowledge of the subsidiary's proposed layoff.

Amend RSA 275-F:2, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Results in an employment loss at a single site of employment in New Hampshire during any 30-day period for at least 250 employees, excluding any part-time or seasonal employees, or at least 27 employees, excluding any part-time or seasonal employees, if they constitute 33 percent of the full-time employees of the employer.

Majority committee amendment adopted.

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

Rep. Pamela Price spoke against.

Rep. Sally Kelly spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 219 NAYS 156

YEAS 219

BELKNAP

Arsenault, Beth
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Merrick, Scott
Thomas, Yvonne

Ingersoll, Paul Sr
Remick, William

Mears, Lucy
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James

Almy, Susan

Benn, Bernard

Cooney, Mary

Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chininis, Alexis
Farley, Michael
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Hopper, Gary
Knowles, John
LaPlante, Roland
Long, Patrick

Beauchamp, Roger
Caron, June
Clemons, Jane
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Hebert, Roger
Infantine, William
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

Beaulieu, Jane
Chandley, Shannon
Cote, David
Garrrity, Patrick
Gorman, Mary
Hardy, Valerie
Hodges, Kevin
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Chase, Claudia
Craig, James
Gidge, Kenneth
Hackel, Paul
Harvey, Philip
Holden, Rip
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
O'Neil, James
Rosenwald, Cindy
Shaw, Kimberly
Winters, Joel

Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Thompson, Robert

Nixon, David
Poznanski, Brian
Shattuck, Gilman
Walsh, Robert Jr

O'Brien, Michael Sr
Ramsey, Peter
Shaw, Barbara
Williams, Carol

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

Bouchard, Candace
DeJoie, John
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Brown, Carole
DeStefano, Stephen
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Borden, David
Cushing, Robert
Dowling, Patricia
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Read, Robin Jr
Splaine, James

Allen, Mary
Brown, C. Pennington
Day, Judith
Flanders, John Sr
Ingram, Russell
McEachern, Paul
Pettersen, Don
Russell, Joseph
Webber, Carolyn

Belanger, Ronald
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Henson, John
Kepner, Susan
Moody, Marcia
Priestley, Anne
Russell, Trinka

Bishop, Franklin
Casey, Kimberley
DiPentima, Rich
Howard, Doreen
Mann, Maureen
Nord, Susi
Quandt, Matt
Schlachman, Donna

STRAFFORD

Berube, Roger
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brennan, William
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Jennifer
Cyr, James
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 156

BELKNAP

Bolster, Peter
Nedeau, Stephen
Veazey, John

Boyce, Laurie
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Campbell, David
Daniels, Gary
Drisko, Richard
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Kurk, Neal
Messier, Irene
Ober, Russell III
Peterson, Andrew
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

Belvin, William
Cebrowski, John
Day, Russell
Elliott, Nancy
Gargas, Carolyn
Hikel, John
Holden, Frank
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Tahir, Saghir
Willette, Robert

Bergin, Peter
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Graham, John
Hinch, Richard
Jasper, Shawn
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Silva, Peter
Ulery, Jordan

Boehm, Ralph
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Katsiantonis, George
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
Reed, Dennis

Boutin, David
Kotowski, Frank
Smith, Todd

Coffey, Jennifer
McGuire, Carol

Hess, David
Palfrey, David

ROCKINGHAM

Bailey, Clinton	Baldasaro, Alfred	Bates, David	Bettencourt, David
Bridle, Russell	Case, Frank	Charron, Gene	Comerford, Timothy
Crisler, Margaret	DeSimone, Debra	Devine, James	Dumaine, Dudley
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, George	Katsakiores, Phyllis	Kolodziej, Walter	Lyons, Melissa
Major, Norman	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Rausch, James
Reagan, John	Sapareto, Frank	Scamman, Stella	Scamman, W.
			Douglas Jr
Sedensky, John	Smith, William	Stiles, Nancy	Sullivan, James
Tucker, Pamela	Weare, Everett	Welch, David	

STRAFFORD

Bickford, David	Brown, Julie	Groen, Warren	Twombly, James
Vita, Carol			

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

The House recessed at 12:05 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:05 p.m.

REGULAR CALENDAR (CONT'D)

SB 129, establishing a committee to study negative balance employers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Chip L. Rice for the Majority of Labor, Industrial and Rehabilitative Services: This bill was requested by the department of employment security and makes changes in RSA 282-A to restore the solvency of the unemployment compensation trust fund. Employer contributions are the primary source of revenue for the trust fund. In the current economic downturn, these contributions are no longer adequate to fund New Hampshire citizens' need for unemployment benefits. Because the state is obligated to pay benefits to unemployed workers whether or not revenues received are adequate to fund these benefits, we must borrow from the federal government if our state trust fund becomes insolvent. Without reform of the system of taxes on employers and benefits for workers, New Hampshire will face years of borrowing which would ultimately lead to both the payment of interest on the amount borrowed and to much higher federal taxes on the state's businesses. Specifically, the bill does the following: 1) gradually increases the taxable wage base from the current level of \$8,000 per worker to \$10,000 in 2010, \$12,000 in 2011, and \$14,000 in 2012; 2) allows the commissioner to add a .5% surcharge to every employer's tax rate if the trust fund balance fails to equal or exceed \$150 million throughout a calendar quarter and the trust fund is in danger of insolvency; 3) raises the trigger levels for discounts to positive-rated employers from \$225, \$250 and \$275 million to \$250, \$275, and \$300 million; 4) as positive

rated employers are losing their discounts, negative-rated employers will receive a corresponding surcharge in their rate; 5) requires the department to compute the positive-rated employer discounts and the negative-rated employer increases on a quarterly, rather than annual basis; 6) raises the tax rates of employers who continue to be negatively rated for 4 consecutive years; and 7) requires that claimants serve a “waiting week” after the termination of employment before they are eligible to be paid benefits. There is no corresponding reduction in the maximum benefit amount, an individual is still eligible to receive the maximum 26 weeks. Vote 15-4.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The trust fund needs to be replenished and the department of employment security has worked hard to come up with a solution. The minority believes the department has developed a plan to replenish the fund too rapidly given the current economic climate. The one-week waiting period is also a hardship to new benefit recipients who need help, more so now than ever. This should be implemented at a later date.

Majority Amendment (1741h)

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

AN ACT relative to the solvency of the unemployment compensation trust fund.

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

1 Payment of Contributions; Effective January 1, 2010. Amend RSA 282-A:69, I to read as follows:

I. Contributions shall accrue and become payable by each employer for each calendar year, in which ~~he~~ **the employer** is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise provided in RSA 282-A:79-90, of the wages paid or payable for employment during such calendar year, not to exceed ~~[\$8,000]~~ **\$10,000** which have been paid to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer’s employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term “wages” shall include service subject to contribution under any employment security law of another state.

2 Payment of Contributions; Effective January 1, 2011. Amend RSA 282-A:69, I to read as follows:

I. Contributions shall accrue and become payable by each employer for each calendar year, in which ~~he~~ **the employer** is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise provided in RSA 282-A:79-90, of the wages paid or payable for employment during such calendar year, not to exceed ~~[\$10,000]~~ **\$12,000** which have been paid to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer’s employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term “wages” shall include service subject to contribution under any employment security law of another state.

3 Payment of Contributions; Effective January 1, 2012. Amend RSA 282-A:69, I to read as follows:

I. Contributions shall accrue and become payable by each employer for each calendar year, in which he is subject to this chapter, in an amount equal to 2.7 percent, except as

otherwise provided in RSA 282-A:79-90, of the wages paid or payable for employment during such calendar year, not to exceed [~~\$12,000~~] **\$14,000** which have been paid to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term "wages" shall include service subject to contribution under any employment security law of another state.

4 New Section; Emergency Surcharge. Amend RSA 282-A by inserting after section 84 the following new section:

282-A:84-a Emergency Surcharge. For contribution rates applicable to calendar quarters commencing on or after January 1, 2010, should the unemployment compensation trust fund fail to equal or exceed \$150,000,000 throughout the next preceding calendar quarter and should the commissioner determine that the exercise of emergency power pursuant to RSA 282-A:84 is insufficient to preserve the solvency of the trust fund, the commissioner may add to every employer's contribution rate a .5 percent surcharge. Such surcharge shall be in addition to the contribution rate assigned under any other provision of RSA 282-A.

5 Minimum Rate. RSA 282-A:82 is repealed and reenacted to read as follows:

282-A:82 Minimum Rate.

I. There shall be subtracted in any calendar quarter from every employer's contribution rate .5 percent whenever the unemployment compensation fund equals or exceeds \$250,000,000 throughout the next preceding calendar quarter.

II. There shall be subtracted in any calendar quarter from every employer's contribution rate one percent whenever the unemployment compensation fund equals or exceeds \$275,000,000 throughout the next preceding calendar quarter.

III. There shall be subtracted in any calendar quarter from every employer's contribution rate 1.5 percent whenever the unemployment compensation fund equals or exceeds \$300,000,000 throughout the next preceding calendar quarter.

IV. The minimum contribution rate under this section shall not be less than .10 percent.

6 New Section; Inverse Minimum Rate. Amend RSA 282-A by inserting after section 82 the following new section:

282-A:82-a Inverse Minimum Rate. For each employer assigned a rate under RSA 282-A:87, II or II-a:

I. There shall be added in any calendar quarter to every such employer's contribution rate 1.5 percent whenever the unemployment compensation fund fails to equal or exceed \$250,000,000 throughout the next preceding calendar quarter.

II. There shall be added in any calendar quarter to every such employer's contribution rate one percent whenever the unemployment compensation fund fails to equal or exceed \$275,000,000 throughout the next preceding calendar quarter.

III. There shall be added in any calendar quarter to every such employer's contribution rate .5 percent whenever the unemployment compensation fund fails to equal or exceed \$300,000,000 throughout the next preceding calendar quarter.

7 Benefit Eligibility Conditions. Amend RSA 282-A:31, I to read as follows:

I. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commissioner finds that:

(a) He **or she** has been classified in accordance with his **or her** experience and abilities and so registered for employment with and by the commissioner and has reported

and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

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

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

(d) He or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified provided that, if availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.

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

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

(g) The individual has disclosed whether or not he or she owes an uncollected overissuance of food stamp coupons as defined in section 13(c)(1) of the Food Stamp Act of 1977 as amended.

(h) For benefit years commencing on or after January 3, 2010, the individual has served a waiting period of one week of total or partial unemployment as defined in RSA 282-A:14. No week may be counted as a week of total or partial unemployment for the purpose of this subparagraph:

(1) If benefits have been paid with respect to that week;

(2) Unless it occurs within the benefit year which includes the week with respect to which the individual claims payment of benefits; and

(3) Unless the individual was eligible for benefits with respect to that week, as provided in this section and RSA 282-A:32, except for the requirements of this subparagraph.

(i) There shall be no corresponding reduction in the individual's maximum benefit amount under RSA 282-A:25, I as a result of subparagraph (h).

8 Disqualification for Benefits. Amend the introductory paragraph of RSA 282-A:32 to read as follows:

282-A:32 Disqualifications for Benefits. In this section, "date" as used in "subsequent to the date" means the last calendar day on which the individual performed services for the employer. An individual shall be disqualified for benefits ***and no waiting period may be served:***

9 Computation Date. RSA 282-A:86 is repealed and reenacted to read as follows:

282-A:86 Computation Date.

I. The computation date shall be January 31. The total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to the employer's separate account for all past years. Delinquent contributions received after January 31, 1997 shall be credited to the employer's separate account on the next computation or recomputation date.

II. If contributions so credited exceed benefits so charged, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, I.

III. Commencing with the computation date of January 31, 2010, if benefits so charged exceed contributions so credited, and benefits so charged have exceeded contributions so credited for 3 or fewer consecutive computation dates including the

computation date of January 31, 2010, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, II.

IV. Commencing with the computation date of January 31, 2010, if benefits so charged exceed contributions so credited, and benefits so charged have exceeded contributions so credited for 4 or more consecutive computation dates including the computation date of January 31, 2010, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, II-a.

10 New Schedule; Contribution Rates. RSA 282-A:87, I-II are repealed and reenacted to read as follows:

I. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE I.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	2.6%
2	2.5
3	2.4
4	2.3
5	2.2
6	2.0
7	1.9
8	1.7
9	1.5
10	1.0
11	.7
12	.5
13	.3
14	.2
16	.15
19	.1
26	.05

II. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE II.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	2.8%
2	2.9
3	3.0
4	3.1
5	3.2
6	3.3
7	3.4
8	3.5
9	3.6
10	3.7
11	3.8
12	3.9
15	4.0

18	4.1
21	4.2
23	4.3
26	4.5
29	4.6
31	4.7
33	4.8
35	5.0
36	5.2
37	5.3
38	5.4
40	5.5
46	5.6
50	5.7
60	5.8
70	5.9
80	6.0
100	6.5

II-a. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE III.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	3.3%
2	3.4
3	3.5
4	3.6
5	3.7
6	3.8
7	3.9
8	4.0
9	4.1
10	4.2
11	4.3
12	4.4
15	4.5
18	4.6
21	4.7
23	4.8
26	5.0
29	5.1
31	5.2
33	5.3
35	5.5
36	5.7
37	5.8
38	5.9
40	6.0
46	6.1
50	6.2
60	6.3
70	6.4

80
100

6.5
7.0

11 Standard Rate and Qualification for Reduced Merit Rate. Amend RSA 282-A:85, III to read as follows:

III. No employer assigned an earned rate under RSA 282-A:87, II **or II-a** shall be assigned a rate less than the maximum in that paragraph for any fiscal year effective with the fiscal year beginning July 1, 1995, unless as of April 30 preceding said fiscal year the employer has properly and duly submitted reports and contributions previously due under this chapter.

12 Ineligible for Rate Reduction. Amend RSA 282-A:90 to read as follows:

282-A:90 Ineligible for Rate Reduction. No employer assigned a rate under RSA 282-A:87, II **or II-a**, shall be entitled to any such rate reductions occasioned by fund balances as are provided in RSA 282-A:79-89.

13 Severability. If any provision, section, subsection, sentence, clause, phrase, or word of this act or the application thereof to any person or circumstance is found to be invalid, illegal, unenforceable, or unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective and functional notwithstanding such invalidity, illegality, unenforceability, or unconstitutionality. The general court declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared invalid, illegal, unenforceable, or unconstitutional, including, but not limited to, each of the engagement, divestment, and prohibition provisions of this act.

14 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

II. Section 3 of this act shall take effect January 1, 2012.

III. The remainder of this act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill:

I. Gradually raises the limit of employer payment contributions to the unemployment compensation fund.

II. Sets the minimum rate of employer contribution to the unemployment contribution fund.

III. Makes additional conditions for benefit eligibility.

IV. Details procedures when benefits charged exceed benefits credited on certain computation dates.

V. Inserts a new schedule of contribution rates.

Majority committee amendment adopted.

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

Rep. Infantine offered floor amendment (2060h).

Floor Amendment (2060h)

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

AN ACT relative to the solvency of the unemployment compensation trust fund.

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

1 Payment of Contributions; Effective January 1, 2010. Amend RSA 282-A:69, I to read as follows:

I. Contributions shall accrue and become payable by each employer for each calendar year, in which ~~he~~ **the employer** is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise provided in RSA 282-A:79-90, of the wages paid or payable for employment during such calendar year, not to exceed ~~[\$8,000]~~ **\$10,000** which have been paid

to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term "wages" shall include service subject to contribution under any employment security law of another state.

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I. Contributions shall accrue and become payable by each employer for each calendar year, in which ~~he~~ **the employer** is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise provided in RSA 282-A:79-90, of the wages paid or payable for employment during such calendar year, not to exceed ~~[\$10,000]~~ **\$12,000** which have been paid to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term "wages" shall include service subject to contribution under any employment security law of another state.

3 New Section; Emergency Surcharge. Amend RSA 282-A by inserting after section 84 the following new section:

282-A:84-a Emergency Surcharge. For contribution rates applicable to calendar quarters commencing on or after January 1, 2010, should the unemployment compensation trust fund fail to equal or exceed \$150,000,000 throughout the next preceding calendar quarter and should the commissioner determine that the exercise of emergency power pursuant to RSA 282-A:84 is insufficient to preserve the solvency of the trust fund, the commissioner may add to every employer's contribution rate a .5 percent surcharge. Such surcharge shall be in addition to the contribution rate assigned under any other provision of RSA 282-A.

4 Minimum Rate. RSA 282-A:82 is repealed and reenacted to read as follows:

282-A:82 Minimum Rate.

I. There shall be subtracted in any calendar quarter from every employer's contribution rate .5 percent whenever the unemployment compensation fund equals or exceeds \$250,000,000 throughout the next preceding calendar quarter.

II. There shall be subtracted in any calendar quarter from every employer's contribution rate one percent whenever the unemployment compensation fund equals or exceeds \$275,000,000 throughout the next preceding calendar quarter.

III. There shall be subtracted in any calendar quarter from every employer's contribution rate 1.5 percent whenever the unemployment compensation fund equals or exceeds \$300,000,000 throughout the next preceding calendar quarter.

IV. The minimum contribution rate under this section shall not be less than .10 percent.

5 New Section; Inverse Minimum Rate. Amend RSA 282-A by inserting after section 82 the following new section:

282-A:82-a Inverse Minimum Rate. For each employer assigned a rate under RSA 282-A:87, II or II-a:

I. There shall be added in any calendar quarter to every such employer's contribution rate 1.5 percent whenever the unemployment compensation fund fails to equal or exceed \$250,000,000 throughout the next preceding calendar quarter.

II. There shall be added in any calendar quarter to every such employer's contribution rate one percent whenever the unemployment compensation fund fails to equal or exceed \$275,000,000 throughout the next preceding calendar quarter.

III. There shall be added in any calendar quarter to every such employer's contribution rate .5 percent whenever the unemployment compensation fund fails to equal or exceed \$300,000,000 throughout the next preceding calendar quarter.

6 Benefit Eligibility Conditions. Amend RSA 282-A:31, I to read as follows:

I. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commissioner finds that:

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

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

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

(d) He or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified provided that, if availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.

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

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

(g) The individual has disclosed whether or not he or she owes an uncollected overissuance of food stamp coupons as defined in section 13(c)(1) of the Food Stamp Act of 1977 as amended.

(h) For benefit years commencing on or after January 3, 2010, the individual has served a waiting period of one week of total or partial unemployment as defined in RSA 282-A:14. No week may be counted as a week of total or partial unemployment for the purpose of this subparagraph:

(1) If benefits have been paid with respect to that week;

(2) Unless it occurs within the benefit year which includes the week with respect to which the individual claims payment of benefits; and

(3) Unless the individual was eligible for benefits with respect to that week, as provided in this section and RSA 282-A:32, except for the requirements of this subparagraph.

(i) There shall be no corresponding reduction in the individual's maximum benefit amount under RSA 282-A:25, I as a result of subparagraph (h).

7 Disqualification for Benefits. Amend the introductory paragraph of RSA 282-A:32 to read as follows:

282-A:32 Disqualifications for Benefits. In this section, "date" as used in "subsequent to the date" means the last calendar day on which the individual performed services for the employer. An individual shall be disqualified for benefits ***and no waiting period may be served:***

8 Computation Date. RSA 282-A:86 is repealed and reenacted to read as follows:
282-A:86 Computation Date.

I. The computation date shall be January 31. The total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to the employer's separate account for all past years. Delinquent contributions received after January 31, 1997 shall be credited to the employer's separate account on the next computation or recomputation date.

II. If contributions so credited exceed benefits so charged, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, I.

III. Commencing with the computation date of January 31, 2010, if benefits so charged exceed contributions so credited, and benefits so charged have exceeded contributions so credited for 3 or fewer consecutive computation dates including the computation date of January 31, 2010, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, II.

IV. Commencing with the computation date of January 31, 2010, if benefits so charged exceed contributions so credited, and benefits so charged have exceeded contributions so credited for 4 or more consecutive computation dates including the computation date of January 31, 2010, the excess shall be computed as a percent of the employer's average annual payroll, which percent shall determine the contribution rate as provided in RSA 282-A:87, II-a.

9 New Schedule; Contribution Rates. RSA 282-A:87, I-II are repealed and reenacted to read as follows:

I. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE I.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	2.6%
2	2.5
3	2.4
4	2.3
5	2.2
6	2.0
7	1.9
8	1.7
9	1.5
10	1.0
11	.7
12	.5
13	.3
14	.2
16	.15
19	.1
26	.05

II. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE II.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	2.8%
2	2.9
3	3.0
4	3.1
5	3.2
6	3.3
7	3.4
8	3.5
9	3.6
10	3.7
11	3.8
12	3.9
15	4.0
18	4.1
21	4.2
23	4.3
26	4.5
29	4.6
31	4.7
33	4.8
35	5.0
36	5.2
37	5.3
38	5.4
40	5.5
46	5.6
50	5.7
60	5.8
70	5.9
80	6.0
100	6.5

II-a. An employer's contribution rate shall, after computation is made in the manner described in RSA 282-A:86, and subject to the provisions and conditions of this subdivision otherwise provided, be in the following percent:

SCHEDULE III.

Percent of Average Annual Contribution

Pay Roll Equals or Exceeds Rate

1%	3.3%
2	3.4
3	3.5
4	3.6
5	3.7
6	3.8
7	3.9
8	4.0
9	4.1
10	4.2
11	4.3
12	4.4
15	4.5
18	4.6
21	4.7

23	4.8
26	5.0
29	5.1
31	5.2
33	5.3
35	5.5
36	5.7
37	5.8
38	5.9
40	6.0
46	6.1
50	6.2
60	6.3
70	6.4
80	6.5
100	7.0

10 Standard Rate and Qualification for Reduced Merit Rate. Amend RSA 282-A:85, III to read as follows:

III. No employer assigned an earned rate under RSA 282-A:87, II *or II-a* shall be assigned a rate less than the maximum in that paragraph for any fiscal year effective with the fiscal year beginning July 1, 1995, unless as of April 30 preceding said fiscal year the employer has properly and duly submitted reports and contributions previously due under this chapter.

11 Ineligible for Rate Reduction. Amend RSA 282-A:90 to read as follows:

282-A:90 Ineligible for Rate Reduction. No employer assigned a rate under RSA 282-A:87, II *or II-a*, shall be entitled to any such rate reductions occasioned by fund balances as are provided in RSA 282-A:79-89.

12 Severability. If any provision, section, subsection, sentence, clause, phrase, or word of this act or the application thereof to any person or circumstance is found to be invalid, illegal, unenforceable, or unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective and functional notwithstanding such invalidity, illegality, unenforceability, or unconstitutionality. The general court declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared invalid, illegal, unenforceable, or unconstitutional, including, but not limited to, each of the engagement, divestment, and prohibition provisions of this act.

13 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

II. RSA 282-A:31, I(h)-(i) as inserted by section 6 of this act and section 7 of this act shall take effect July 1, 2010.

III. The remainder of this act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill:

I. Raises the limit of employer payment contributions to the unemployment compensation fund to \$10,000 effective January 1, 2010 and \$12,000 effective January 1, 2011.

II. Sets the minimum rate of employer contribution to the unemployment contribution fund.

III. Makes additional conditions for benefit eligibility.

IV. Details procedures when benefits charged exceed benefits credited on certain computation dates.

V. Inserts a new schedule of contribution rates.

Rep. Infantine spoke in favor.
Rep. Bishop spoke against and yielded to questions.
Rep. Goley spoke against.
Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 147 NAYS 221

YEAS 147

BELKNAP

Bolster, Peter	Boyce, Laurie	Flanders, Donald	Nedeau, Stephen
Russell, David	St. Cyr, Jeffrey	Swinford, Elaine	Veazey, John

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Roberts, John	Scala, Dino
Stevens, Stanley	Umberger, Karen		

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Sterling, Franklin Jr			

COOS

Ingersoll, Paul Sr	Rappaport, Laurence	Remick, William	Stohl, Eric
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GRAFTON

Bulis, Lyle	Ingretson, Paul	Maybeck, Margie	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
Cebrowski, John	Christensen, Chris	Christiansen, Lars	Daniels, Gary
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Elliott, Nancy
Emerton, Larry	Gagne, Larry	Gandia, Laura	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
McCarthy, Michael	Mead, Robert	Messier, Irene	O'Brien, William
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Peterson, Andrew	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Seidel, Carl	Silva, Peter	Soucy, Connie
Spaulding, Jayne	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert	Williams, Carol	

MERRIMACK

Anderson, Eric	Boutin, David	Coffey, Jennifer	Hess, David
Kidder, David	Kotowski, Frank	McGuire, Carol	Palfrey, David
Reed, Dennis	Smith, Todd		

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
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Bettencourt, David
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Gould, Kenneth
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Quandt, Matt
Scamman, Stella

Stiles, Nancy
Welch, David

Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McMahon, Charles
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James

Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Garrity, James
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Reagan, John
Sedensky, John
Tucker, Pamela

Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Gleason, John
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Sapareto, Frank
Smith, William
Weare, Everett

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Osgood, Joe

NAYS 221

BELKNAP

Arsenault, Beth
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate
Stuart, Richard

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carlson, Nancy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Lerandean, Alfred
Parkhurst, Henry
Sad, Tara

COOS

Hatch, William
Richardson, Herbert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Harding, Laurie
Mulholland, Catherine
Preston, Philip
White, Andrew

Almy, Susan
Friedrich, Carol
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Gionet, Edmond
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Gould, Franklin
Matheson, Robert
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald

Beauchamp, Roger
Campbell, David

Beaulieu, Jane
Caron, June

Beck, Catriona
Chandley, Shannon

Chase, Claudia
Craig, James
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Irwin, Anne-Marie
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

O'Brien, Michael Sr
Ramsey, Peter
Shattuck, Gilman
Walsh, Robert Jr

Chininis, Alexis
Farley, Michael
Ginsburg, Ruth
Hammond, Jill
Hebert, Roger
Katsiantonis, George
Komi, Richard
Levesque, Melanie
Marshall, Seth

O'Neil, James
Rosenwald, Cindy
Shaw, Barbara
Winters, Joel

Clemons, Jane
Foster, Linda
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Kelley, John
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly

Cote, David
Gargas, Carolyn
Gorman, Mary
Harvey, Philip
Holden, Rip
Knowles, John
LaPlante, Roland
Long, Patrick
Movsesian, Lori

Poznanski, Brian
Schulze, Joan
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeJoie, John
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
DeStefano, Stephen
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
Henson, John
Kepner, Susan
McEachern, Paul
Perkins, Amy
Read, Robin Jr
Splaine, James

Belanger, Ronald
Brown, C. Pennington
Cushing, Robert
Howard, Doreen
Lyons, Melissa
Moody, Marcia
Perkins, Lawrence
Russell, Joseph
Webber, Carolyn

Bishop, Franklin
Cali-Pitts, Jacqueline
Day, Judith
Hutchinson, Gina
Mann, Maureen
Nord, Susi
Pettersen, Don
Russell, Trink

Borden, David
Case, Frank
DiPentima, Rich
Ingram, Russell
McCarthy, Barbara
Pantelakos, Laura
Priestley, Anne
Schlachman, Donna

STRAFFORD

Berube, Roger
Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Brennan, William
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Jennifer
Burke, Rachel
Horrigon, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

Brown, Julie
Cyr, James
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Rodeschin, Beverly
and floor amendment (2060h) failed.

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Skinder, Carla

Gagnon, Raymond
Howard, Thomas

Sweeney, Cynthia

Gottling, Suzanne
McClammer, Jim

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

Rep. Hikel requested a roll call; sufficiently seconded.

YEAS 244 NAYS 125

YEAS 244

BELKNAP

Arsenault, Beth	Bolster, Peter	Boyce, Laurie	Flanders, Donald
Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Pilliod, James	Reever, Judith	Stuart, Richard	

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Umberger, Karen
Wiley, Susan			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Parkhurst, Henry
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Merrick, Scott
Remick, William	Richardson, Herbert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	Ward, Brien	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boisvert, Ronald	Campbell, David
Caron, June	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Clemons, Jane	Cote, David	Craig, James	Daniels, Gary
Dokmo, Cynthia	Farley, Michael	Foster, Linda	Gargas, Carolyn
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hackel, Paul	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hebert, Roger	Hodges, Kevin
Holden, Rip	Infantine, William	Irwin, Anne-Marie	Katsiantonis, George
Kelley, John	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	LaPlante, Roland	Levasseur, Nickolas	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori	O'Brien, Michael Sr
O'Neil, James	Palmer, Stephen	Pilotte, Maurice	Poznanski, Brian
Ramsey, Peter	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman

Shaw, Barbara
Thompson, Robert

Shaw, Kimberly
Walsh, Robert Jr

Spaulding, Jayne
Williams, Carol

Tahir, Saghir
Winters, Joel

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeJoie, John
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
DeStefano, Stephen
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
Day, Judith
Gould, Kenneth
Hutchinson, Karen
Mann, Maureen
Nevins, Chris
Petterson, Don
Reagan, John
Sedensky, John

Allen, Mary
Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Henson, John
Ingram, Russell
McCarthy, Barbara
Nord, Susi
Priestley, Anne
Russell, Joseph
Splaine, James

Belanger, Ronald
Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Howard, Doreen
Kepner, Susan
McEachern, Paul
Perkins, Amy
Quandt, Matt
Russell, Trink
Tucker, Pamela

Bishop, Franklin
Cali-Pitts, Jacqueline
Cushing, Robert
Garritty, James
Hutchinson, Gina
Lyons, Melissa
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Schlachman, Donna
Webber, Carolyn

STRAFFORD

Berube, Roger
Brown, Julie
Cyr, James
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Bickford, David
Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Brennan, William
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Jennifer
Burke, Rachel
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 125

BELKNAP

Nedeau, Stephen
Veazey, John

Russell, David

St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Ingersoll, Paul Sr

Rappaport, Laurence Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christiansen, Lars
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Mead, Robert
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Villeneuve, Moe

Boehm, Ralph
Day, Russell
Emerton, Larry
Hawkins, Ken
Hogan, Edith
Kurk, Neal
O'Brien, William
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Willette, Robert

Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hikel, John
Holden, Frank
L'Heureux, Robert
Ober, Lynne
Pratt, Calvin
Ryder, Donald
Ulery, Jordan

Christensen, Chris
Drisko, Richard
Gandia, Laura
Hinch, Richard
Hopper, Gary
McCarthy, Michael
Ober, Russell III
Price, Pamela
Seidel, Carl
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
Reed, Dennis

Boutin, David
Kotowski, Frank
Smith, Todd

Coffey, Jennifer
McGuire, Carol

Hess, David
Palfrey, David

ROCKINGHAM

Bailey, Clinton
Charron, Gene
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Scamman, Stella
Sullivan, James

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Itse, Daniel
Major, Norman
Pantelakos, Laura
Scamman, W.
Douglas Jr
Weare, Everett

Bates, David
DeSimone, Debra
Emiro, Frank
Garcia, Marilinda
Headd, James
Kappler, L. Mike
McKinney, Betsy
Rausch, James
Smith, William
Welch, David

Bettencourt, David
Devine, James
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Sapareto, Frank
Stiles, Nancy

STRAFFORD

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

SB 78, relative to contractor accountability and disclosure in the public works construction procurement process. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Patrick T. Long for the Majority of Public Works and Highways: The majority of the committee feels that SB 78 as amended increases transparency, placing little additional burden on the awarding state agency. The amendment addresses issues brought forward at the hearing. Those issues are: (1.) The amendment clarifies state projects only, (2.) The posting update amended from one week to 30 days, (3.) The general contractors shall immediately suspend amended to 36 hours to comply. Vote 10-6.

Rep. Gene G. Chandler for the Minority of Public Works and Highways: This bill provides more job site reporting requirements for contractors on state projects. While the amendment certainly makes the bill better, we are not in an economic climate whereby we should be adding costs to our contractors and thus added costs to state projects. Testimony showed that most, if not all, items covered by the amendment are already covered by existing state or federal law. Additionally, testimony showed that state agencies have, or are in the process of adopting, rules that would cover any perceived abuses.

Majority Amendment (1700h)

Amend the bill by replacing section 1 with the following:

1 New Sections; Public Works Design and Construction; Subcontractor Bids; Worksite Accountability. Amend RSA 21-I by inserting after section 81 the following new sections:

21-I:81-a Requirement for Listing Subcontractor Bids for State Construction Contracts.

The following requirements apply to the construction, reconstruction, installation, demolition, maintenance, or repair of any building by a state agency, including the community college system and university system of New Hampshire, that is required to be awarded through competitive bidding.

I. A general contractor shall provide to the awarding state agency, community college, or university system a list of the names, addresses, CEO, CFO, other LLC principals, and each subcontractor to be used in the performance of the contract as soon as is practicable after the contract award, but in any event prior to the date on which the subcontractor begins work on the project. This provision applies to all subcontractors engaged to work on the project, regardless of the date of their engagement.

II. This section provides minimum disclosure standards regarding subcontractors and shall not preclude an awarding state agency or the community college or university system from setting more rigorous standards for construction work under their jurisdiction.

21-I:81-b Worksite Accountability. At the onset of work on any state construction project, including any construction project undertaken by the community college system and the university system of New Hampshire, the general contractor or designated project construction manager, if any, shall provide to the awarding state agency a current list of all subcontractors and independent contractors that the general contractor has agreed to use on the job site, with a record of the entity to whom that subcontractor or independent contractor is directly contracted and by whom that contractor or subcontractor is insured for worker's compensation purposes. This list shall be posted on the jobsite and updated as needed to reflect any new subcontractors or independent contractors and also posted on the state agency website, to be updated every 30 days. If it is determined that a subcontractor or independent contractor is present on a state construction site without the contractor's name and direct contracting relationship being posted in a visible location at the worksite, the general contractor or designated project manager shall require the subcontractor or independent contractor to provide the information within 36 hours and to post the information in a visible location at the worksite. If the information is not provided within 36 hours of its request, the general contractor shall suspend the contractor until the information is provided and posted.

Majority committee amendment adopted.

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

On a division vote, 202 members having voted in the affirmative and 162 in the negative, the majority committee report was adopted.

Ordered to third reading.

SB 203, relative to liability protection for railroad operators operating alongside recreational trails. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David H. Russell for the Majority of Resources, Recreation and Development: The purpose of this bill is to further the construction of recreational trails within active railroad corridors. This is brand new territory for the state of New Hampshire. Many other states, including Maine, Maryland and Pennsylvania have enacted similar legislation, with NO liability claims to date. The bill states that the railroad operators have limited liability unless there is proof of gross negligence or willful or wanton misconduct. The bill also provides both railroads and trail developers the ability to obtain substantially lower insurance premiums to relieve the existing burden on them. New Hampshire has a long standing history of private landowners allowing activities on their property, such as fishing, hunting, snowmobiling, hiking and other recreational activities with limited liability to the landowner. The bill extends that statute to cover trails along rail corridors. Vote 12-3.

Rep. Chris Christensen for the Minority of Resources, Recreation and Development: The minority believes that the inability of the interested parties, trail advocates, railroad operators, department of transportation and abutting municipalities speaks volumes to the inadvisability of putting hiking trails adjacent to active rail operation. Abandoned rail lines being converted to other uses has many advantages. Adding pedestrian uses in the same corridor as active railroads is ill-advised. Relieving parties of liability responsibilities does not enhance safety.

Majority Amendment (1935h)

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

1 Purpose. The purpose of this act is to further the construction of recreational trails within active rail corridors.

2 New Paragraphs; Duty of Care. Amend RSA 212:34 by inserting after paragraph IV the following new paragraphs:

V. This section applies to a railroad operator, or its employee, who owns, leases, occupies, maintains, or operates a railroad on a railroad corridor, including a right-of-way or easement, that is used as a part of a state or municipal designated recreational trail.

VI. Any new agreement, or modification, extension, or continuance of any existing agreement between the state and any rail operator shall prohibit the rail operators from shifting any pre-existing responsibility for safe operation and maintenance to any other entity.

3 Liability Limited. Amend RSA 231-A:8, I to read as follows:

I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, **II, and IV**, and the liability of owners, lessees, or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.

4 Liability Limited. RSA 231-A:8, I is repealed and reenacted to read as follows:

I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, and the liability of owners, lessees, or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.

5 Landowner Liability Limited. Amend RSA 508:14, II to read as follows:

II. ***The state*** or any individual, corporation, ~~[or other]~~ ***political subdivision of the state***, nonprofit legal entity or ~~[any]~~ individual who performs services for a nonprofit entity ***or the state or any of its political subdivisions***, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct.

6 New Paragraph; Landowner Liability Limited. Amend RSA 508:14 by inserting after paragraph III the following new paragraph:

IV. A railroad operator, or its employee, who owns, leases, occupies, maintains, or operates a railroad on a railroad corridor, including a right-of-way or easement, that is used as part of a state or municipal designated recreational trail and which is open without charge to any person for recreational purposes, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

7 Repeal. The following are repealed:

I. RSA 212:34, V, relative to the duty of care.

II. RSA 508:14, IV, relative to the landowner liability limited.

8 Effective Date.

I. Sections 4 and 7 of this act shall take effect December 31, 2011.

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

Rep. Keans spoke against and yielded to questions.

Rep. David Russell spoke in favor.

Rep. Lucy Weber spoke in favor and yielded to questions.

On a division vote, 233 members having voted in the affirmative and 138 in the negative, the majority committee amendment was adopted.

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

On a division vote, 246 members having voted in the affirmative and 127 in the negative, the majority committee report was adopted.

Ordered to third reading.

SB 85, relative to the commission to develop a plan for the expansion of transmission capacity in the north country. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Borden for Science, Technology and Energy: This bill extends and expands the membership and duties of the commission to develop a plan for the expansion of electric transmission capacity in the north country which would promote renewable energy and economic development. The bill adds the chair of the energy efficiency and sustainable energy board and a representative from the Business and Industry Association to the commission. Provided federal or private funds become available, the commission is also authorized to hire a consultant. Vote 12-2.

Amendment (1842h)

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

1 Purpose. The purpose of this act is to extend and expand the duties of the transmission commission created by 2008, 348. The transmission commission shall, wherever possible, seek to obtain federal funds to upgrade the 115 kilovolt transmission loop in Coos County and to establish an appropriate method for sharing costs and benefits of such an upgrade between ratepayers and the owners of generation facilities in order to develop renewable resources in northern New Hampshire. The transmission commission shall work with the congressional delegation, the office of the governor, and local and county officials to pursue all opportunities for the funding of the transmission upgrade needed to support renewable energy projects, including, but not limited to the benefits available under the American Recovery and Reinvestment Act of 2009.

2 New Subparagraph; Membership of the Commission. Amend 2008, 348:3, I by inserting after subparagraph (g) the following new subparagraph:

(h) The chairperson or designee of the energy efficiency and sustainable energy board established pursuant to RSA 125-O:5-a.

3 New Subparagraph; Membership; Non-Voting Participants. Amend 2008, 348:3, II by inserting after subparagraph (f) the following new subparagraph:

(g) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

4 Duties of Transmission Commission. 2008, 348:4, I is repealed and reenacted to read as follows:

I. Shall:

(a) Coordinate and oversee efforts to upgrade the electric transmission system in the north country consistent with the responsibilities and findings contained in section 1.

(b) Provided federal funds are available, retain a consultant to assist in developing an interim plan for the upgrade of the Coos county transmission loop no later than December 1, 2010, or such other date approved by the transmission commission. A 5 member subcommittee composed of the chair of the transmission commission, the chairperson or designee of the energy efficiency and sustainable energy board established pursuant to RSA 125-O:5-a, the 3 representatives of the north country serving on the transmission commission, and such other members as may be designated by the chair, shall have the authority, with the approval of the transmission commission, to retain and oversee the work of the consultant. The consultant's responsibilities shall include:

(1) Working with developers of proposed New Hampshire renewable generation projects which either have active applications in the ISO-NE Generator Interconnection Study Queue as of the effective date of this act or are subject to New Hampshire jurisdictional interconnection administration, electric transmission companies, the consumer advocate, the public utilities commission, this subcommittee, the congressional delegation, and state officials.

(2) Developing the framework for a proposal for the upgrade of the transmission system in the north country for filing with the Federal Energy Regulatory Commission that fairly balances the costs and benefits of the upgrade between developers and ratepayers. "Community benefits" shall be included as part of deliberation and as part of the final framework.

(3) Meeting periodically with the subcommittee of the transmission commission established under this subparagraph and the full transmission commission to report on the progress of the development of the proposal and taking direction from the commission.

5 Duties of Transmission Commission. 2008, 348:4, III is repealed and reenacted to read as follows:

III. Is authorized to obtain the services of a consultant to complete any necessary economic studies to contribute to any such studies and for developing the framework for a plan to upgrade the Coos county transmission loop. The commission may spend up to \$200,000 for the purposes of this act. The commission is authorized to obtain grants and contributions for the purposes of this section, in accordance with RSA 4:8.

6 Commission Extended. Amend 2008, 348:6 to read as follows:

348:6 Report. The *transmission* commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library *in the form of an interim report* on or before December 1, ~~[2008]~~ **2009 and a final report on or before December 1, 2010. The commission's final report shall include a detailed plan of action to accomplish an upgrade of an electric transmission line in Coos county, which is capable of transmitting electrical power generated in Coos**

county from renewable energy sources in New Hampshire to the electrical power market.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 55, establishing a commission to study the collision repair industry in New Hampshire.
OUGHT TO PASS WITH AMENDMENT.

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill, as amended, accomplishes two distinct goals. One, it establishes a commission to study the collision repair industry. Two, it establishes a committee to study the impact of the changes to RSA 357-C, which is the statute recently changed by the passage of SB 153, the auto dealers “soft landing” bill. Representatives from the collision repair industry have raised a number of issues the committee believes impact the long term economic health of this profession and that have implications for consumers. These encompass the education and training of technicians through New Hampshire’s high school and college technical programs; the environmental impact and regulatory compliance obligations of the repair and paint shops; consumer protection and information disclosures related to collision repair, including ethical practices and performance services of collision shops; and dispute resolutions and enforcement mechanisms. The commission will report its findings and any recommendations on or before November 1, 2009. The second part of this bill establishes a legislative committee to study RSA 357-C, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. The study committee seeks to determine what impact, if any, the passage of SB 153 has had on local businesses and employees who are directly and indirectly related to this industry. SB 153 made substantive changes to RSA 357-C, known as the Dealers’ Bill of Rights, in reaction to the current economic crisis. The study committee will revisit this statute over the next 16 months and determine whether or not additional adjustments are appropriate. A report of its findings and any recommendations will be filed in an interim report on or before November 1, 2009 and a final report will be filed on or before November 1, 2010. Vote 16-0.

Amendment (1887h)

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

AN ACT establishing a commission to study the collision repair industry in New Hampshire and establishing a committee to study the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership and Compensation.

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

(a) One member of the senate, appointed by the president of the senate.

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

I One member of the New Hampshire Automobile Dealers Association (NHADA), appointed by the association.

(d) Two members of the New Hampshire Collision Repair Advisory Group, appointed by the NHADA.

(e) One representative of the automotive technology program of the community college system of New Hampshire (CCSNH), appointed by the chancellor of CCSNH.

(f) One representative of an automotive technical program at the high school or community college level, jointly appointed by the commissioner of the department of education and the chancellor of the community college system of New Hampshire.

(g) One representative of the department of environmental services, appointed by the commissioner of the department.

(h) One representative of the department of resources and economic development, appointed by the commissioner of the department.

(i) One representative of the insurance department, appointed by the commissioner of the department.

(j) Two members of the general public, appointed by the attorney general.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties.

I. The commission shall study critical aspects of the collision repair industry in New Hampshire, including:

(a) The economic importance and future of the collision repair industry in the state, including technician training and development of future technicians.

(b) The environmental impact and regulatory compliance obligations of collision repair shops.

I Consumer protection and information disclosure related to collision repair, including ethical practices and performance services, dispute resolution, relevant statutes, and enforcement mechanisms.

II. The commission may solicit information and testimony from individuals, agencies, and organizations that may assist the commission in the performance of its duties. Amend the bill by replacing all after section 5 with the following:

6 Committee Established. There is established a committee to study RSA 357-C, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

7 Membership and Compensation.

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

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

(b) One member of the senate, appointed by the president of the senate.

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

8 Duties. The committee shall study the scope and application of RSA 357-C, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers. The committee's study shall include, but not be limited to, the effect of changes to RSA 357-C made by 2009, 20 (SB 153 of the 2009 legislative session).

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

10 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library in an interim report filed on or before November 1, 2009 and in a final report filed on or before November 1, 2010.

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

AMENDED ANALYSIS

This bill establishes a commission to study the collision repair industry in New Hampshire. The bill also establishes a committee to study RSA 357-C, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Winters offered floor amendment (2039h).

Floor Amendment (2039h)

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

AN ACT establishing a commission to study the collision repair industry in New Hampshire, establishing a committee to study the regulation of business practices between motor vehicle manufacturers, distributors, and dealers, and permitting a person to record a law enforcement officer in the course of such officer's official duties.

Amend the bill by replacing all after section 10 with the following:

11 New Subparagraph; Wiretapping and Eavesdropping; Interception and Disclosure.

Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m) Any person to make an audio recording, video recording, or both, of a law enforcement officer in the course of such officer's official duties, provided that the person making the recording shall first give notification of the recording to the officer.

12 Effective Date.

I. Section 11 of this act shall take effect January 1, 2010.

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

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study the collision repair industry in New Hampshire.

II. Establishes a committee to study RSA 357-C, relative to the regulation of business practices between motor vehicle manufacturers, distributors, and dealers.

III. Allows a person to make a recording of a law enforcement officer in the course of such officer's official duties.

Rep. Winters spoke in favor.

Rep. Butler spoke against and yielded to questions.

On a division vote, 96 members having voted in the affirmative and 268 in the negative, floor amendment (2039h) failed.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 276 members having voted in the affirmative and 90 in the negative, the committee report was adopted.

Ordered to third reading.

SB 115, relative to eligibility for the healthy kids program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: Healthy Kids has been a true New Hampshire success story. Through a public-private partnership, it has helped countless low and moderate income parents obtain comprehensive and affordable health insurance coverage for their children. This bill enables the Healthy Kids Corporation to investigate the option of providing similar coverage to low and moderate income young adults who are not otherwise able to obtain cost effective, quality health insurance. Even with the expansion of family coverage in the small group market, this age group remains one of the most under-insured populations in the state. HB 115 allows the Healthy Kids Corporation to develop a self-pay plan that can meet the needs of this age group to continue to increase the number of 19 – 26 year olds with health insurance. The bill includes safeguards to protect the existing programs provided for children and the new product will not be subsidized with public funds. Vote 18-0.

Amendment (1590h)

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

1 Health Kids Program; Scope of Premium Tax Exemption. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. The corporation shall be the program administrator for the state children's health insurance program under Title XXI of the Social Security Act. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage ~~[for children]~~ under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

2 New Paragraph; Healthy Kids Program; Powers and Duties. Amend RSA 126-H:5 by inserting after paragraph I the following new paragraph:

I-a. The corporation may establish a young adult buy-in program, with appropriate safeguards to prevent adverse risk selection, by which individuals under 26 years of age, who cannot be included in their family's insurance plan, and whose incomes are at or below 400 percent of the federal poverty level, may purchase health insurance through the healthy kids corporation. The corporation shall hold a public hearing and adopt rules pursuant to RSA 126-H:6 establishing the underwriting and enrollment procedures and eligibility criteria for this buy-in option. The corporation shall not adopt such rules until the insurance commissioner has determined that this buy-in option, administered pursuant to the proposed rules, is not likely to have an adverse impact on the commercial health insurance market. Within 2 years of the initiation of this buy-in option, the corporation shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the status of the program, including summary information on enrollment, claims experience, pricing, trends, and any other information relevant to the goals of the program.

3 New Section; Healthy Kids Program; Approval of Rate Filings. Amend RSA 126-H by inserting after section 5 the following new section:

126:5-a Insurance Commissioner Approval of Health Coverage Rate Filings. No policy or contract of insurance or any certificate under such policy or contract or other evidence of coverage, excluding benefits provided under Titles XIX or XXI of the Social Security Act, shall be issued to an individual under this chapter by any entity licensed, controlled, or regulated under RSA 415, RSA 415-E, RSA 420-A, RSA 420-B, or RSA 420-C until the premium rates have been filed with and approved by the insurance commissioner. The commissioner shall approve or disapprove such rates within 30 days of receipt. The commissioner may disapprove rate filings if the commissioner finds such rates to be excessive, inadequate, or unfairly discriminatory.

4 New Paragraph; Rules. Amend RSA 126-H:6 by inserting after paragraph VII the following new paragraph:

VII-a. Administration of the young adult buy-in program offered to individuals under 26 years of age, including underwriting, enrollment, and eligibility criteria for program participation.

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

AMENDED ANALYSIS

This bill authorizes the healthy kids corporation to establish a young adult buy-in program for insurance coverage. The bill directs the corporation to adopt rules relative to program administration and to submit a status report to the general court. The bill also requires the insurance commissioner to approve premium rates offered through the program.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 138-FN*, relative to insurance coverage for telemedicine services. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This is enabling legislation for the purpose of recognizing the application of telemedicine for insurance plan covered services provided within the scope of practice of physicians or other health care providers as a method of delivery of medical care. Telemedicine involves the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment by a health care provider without in-person contact with the provider. Nationally, telemedicine's role in providing access to medical services in rural areas underserved by healthcare providers, particularly specialists, is significant. In New Hampshire, telemedicine is already being used in community health centers to enable people to receive mental health services without having to travel hundreds of miles to a clinic. Telemedicine is widely used nationally and in NH by the Veteran's Administration, and is a service already covered by 5 other states as well as by Medicare. The committee heard from health care providers and insurance carriers, both supportive of the role telemedicine can play in improving acute, chronic and emergency care. Several carriers expressed concerns about the broadness of language in the bill, and how it will be interpreted, specifically around the use of email in the exchange of medical information. It is not the intent of this legislation to promote the exclusive use of simple email exchanges as a billable service. The committee acknowledges that telemedicine is a new frontier in health care delivery; it is a step in providing affordable, accessible, timely care, particularly in the more rural parts of New Hampshire. Vote 16-0.

Amendment (1770h)

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

1 New Chapter; New Hampshire Telemedicine Act. Amend RSA by inserting after chapter 415-I the following new chapter:

CHAPTER 415-J

NEW HAMPSHIRE TELEMEDICINE ACT

415-J:1 New Hampshire Telemedicine Act. This chapter shall be known and may be cited as the New Hampshire telemedicine act.

415-J:2 Definitions. In this chapter:

I. "Health benefit policy" means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, those contracts executed by the state of New Hampshire on behalf of state employees under RSA 21-I, by an insurer.

II. "Insurer" means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, preferred provider organization, provider sponsored health care corporation, managed care entity, or any similar entity authorized to issue contracts under this title or to provide health benefit policies.

III. "Telemedicine," as it pertains to the delivery of health care services, means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of audio-only telephone or facsimile.

415-J:3 Coverage for Telemedicine Services.

I. It is the intent of the general court to recognize the application of telemedicine for covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care by which an individual shall receive medical services from a health care provider without in-person contact with the provider.

II. An insurer offering a health plan in this state may not deny coverage on the sole basis that the coverage is provided through telemedicine if the health care service would be

covered if it were provided through in-person consultation between the covered person and a health care provider.

III. Nothing in this section shall be construed to prohibit an insurer from providing coverage for only those services that are medically necessary and subject to the terms and conditions of the covered person's policy.

2 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire telemedicine act, which requires insurance coverage for telemedicine services if the health care service would be covered by the insurer if it were provided through in-person consultation between the patient and provider.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 147-FN, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the Majority of Commerce and Consumer Affairs: This bill establishes a program to collect information about how the uninsured access care at NH's community health centers, hospitals and hospital owned affiliates. It is based on the model that was pioneered in our state with our health insurance claims database, but it expands the existing program and uses hospital discharge data in order to minimize cost and capitalize on existing practice and procedure. This data will be essential to our efforts as legislators as we consider healthcare reform to increase transparency, decrease cost shifting and quantify how safety net services are accessed and used in our state. It will enable researchers at institutions such as UNH and the Citizens Health Initiative and the Center for Public Policy to provide the legislature with New Hampshire specific data so that we can support fact-based reforms in efforts to lower the cost of healthcare by reducing cost shifting and addressing the specific needs of the uninsured in our state. The bill includes requirements for protecting patient privacy with state of the art encryption as well as limiting the scope of personal information collected. It also has provisions to assist the community health centers with the cost of the technology needed to comply since unlike hospitals, they don't have IT departments to implement the program on their own. Finally it enables stakeholders input into implementation of the system in order to facilitate the process to minimize cost while maximizing the benefit to all. Vote 14-4.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs: The minority of the committee believes that this bill does not provide a solution to a data collection challenge that is not fully defined. For the following reasons, we believe SB 147 is not ready to pass. We agree that knowing where and what health care services are being accessed by uninsured patients would be useful for health care planning down the road. But, we believe that it is equally important to know what portion of those services actually get paid. SB 147 does not address that important piece of the puzzle. The minority of the committee is concerned that the data will be corrupted because "self-pay" and "uninsured" patients are not separated in many claims systems. Some "self-pay" patients have insurance through smaller companies and they will be added to the mix. That will result in an inflated number of services being tracked. Adding to the inflated number will be the patients who have insurance part of the year. How will they be counted? Under SB 147, every patient will be assigned an encrypted number by the yet to be developed system at the department of insurance. Will the system be able to tell when the patient goes from being uninsured to insured and back again? The bill has a significant technical problem: SB 147 gives the department of insurance – not the department of health & human services – jurisdiction over hospitals and health facilities. By law, the department of insurance regulates insurance companies not hospitals! The bill provides funding to Bi-State Primary Care Association to cover costs for its data collection. Who will be paying for the additional system changes and processing required by the

hospitals? Those of us with health insurance will be paying through higher premiums as those costs are passed on. There are still privacy concerns in the bill. Individuals will be tracked from service to service, as they access health care. The minority believes those patients should be informed that they are being tracked. SB 147 has no such provisions. If we truly want to get a handle on the extent of health care services being accessed by uninsured patients this bill is not ready. This bill is better than the bill from last year, but it still has too many unanswered questions and technical problems that need to be resolved before becoming law.

Majority Amendment (1743h)

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

1 Statement of Purpose. The purpose of this act is to create a system to capture information on the provision of health care services to uninsured persons to obtain a better understanding of the impact of uninsured persons on public health, health care providers, and the commercial insurance market. With the increase in uninsured persons in New Hampshire and the escalating problem of the affordability of health insurance, the existing safety net, which relies on community health centers and hospitals, both with limited capacity, may not be sustainable. New Hampshire's health care safety net is an integral and essential part of its health care financing and delivery system. It is vitally important to monitor each part of the system through the collection of data that identifies and quantifies how safety net services are accessed and used in New Hampshire. To the extent allowed by HIPAA, this data shall be available as a resource for insurers, employers, providers, purchasers of health care, and policymakers to review health care utilization and expenditures.

2 New Paragraphs; Health Care Data Collection; Waiver. Amend RSA 126:25 by inserting after paragraph III the following new paragraphs:

IV.(a) Health care data shall be submitted in accordance with rules adopted pursuant to RSA 126-S for the following entities:

(1) Licensed hospitals, as defined in RSA 151-C:2, XX, and pursuant to the memorandums of understanding entered into by the insurance department and the department of health and human services.

(2) Licensed health care providers, as defined by RSA 151-C:2, XXX, employed or legally controlled by a hospital with the exception of long-term care facilities.

(3) Hospital-owned physician practices which shall include all physician practices that are owned or controlled by a hospital or a financial intermediary of a hospital.

(4) Federally qualified community health centers as defined by section 330 of the Federal Public Health Service Act, 42 U.S.C. section 254b.

(5) Community health centers. For the purposes of this paragraph, "community health centers" are non-profit community based providers of comprehensive primary and preventive health care services to the state's uninsured and Medicaid populations regardless of the patient's ability to pay, and are governed by boards of directors that are at least 51 percent composed of health center patients.

(b) Hospitals shall submit the health care data required under this paragraph for the entities identified under subparagraphs (a)(1)-(3). Community health centers as identified under subparagraphs (a)(4) and (5) shall submit their health care data directly. The health care data shall include information for each service that includes dates of service, patient demographics, provider information, charge information, and clinical diagnosis, and procedure codes. Neither the state nor its agents shall collect or otherwise obtain direct personal identifiers in connection with any health care data relating to uninsured individuals. For the purposes of this section, "direct personal identifiers" includes information relating to an individual that contains primary or obvious identifiers such as the individual's name, street address, e-mail address, telephone number, and social security number. An individual's day of birth shall not be collected.

V.(a) A hospital may submit an application to the insurance commissioner for a one-year exemption from some or all of the reporting requirements set forth in paragraph IV. The commissioner shall grant the exemption if the hospital establishes that the data reporting would:

- (1) Impose an undue economic burden on the hospital;
- (2) Adversely impact the hospital's ability to serve its patients; and
- (3) Cause the hospital to reduce the amount of health care services that are delivered.

(b) To establish adverse impact and undue economic burden, the hospital shall demonstrate that it had an average operating margin of lower than one percent over the 3 preceding years.

I A hospital may request an extension of the reporting requirements as set forth in paragraph IV of up to one year to make the technical changes required to meet such reporting requirements, if it establishes that there are special circumstances that make compliance impracticable.

3 New Chapter; Uninsured Health Care Database. Amend RSA by inserting after chapter 126-R the following new chapter:

CHAPTER 126-S UNINSURED HEALTH CARE DATABASE

126-S:1 Database Development and Use.

I. The commissioner of the insurance department and the commissioner of the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of an uninsured health care database. The memorandum of understanding shall include a description of the uninsured database, the criteria and procedures for the collection and the release of the uninsured data set, the requirements for reporting information on the uninsured, and the sharing of the hospital discharge data set as described in RSA 126:25, I(d) and RSA 126:25, IV.

II. To the extent allowed by the Health Information Portability and Accountability Act (HIPAA), the data shall be available as a resource tool for policy analysts, insurers, legislators, employers, health care providers, purchasers of health care, and state agencies to review the uninsured population's utilization of health care, the cost of services provided to the uninsured, and the effect of that utilization on the commercial insurance market.

III. The uninsured health care database shall not include any data that contains direct personal identifiers. For the purposes of this section, "direct personal identifiers" shall include information relating to an individual that contains primary identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

IV. No provider shall be required to submit data until such time as the collection rules adopted pursuant to RSA 126-S:2 become effective.

126-S:2 Rulemaking Authority.

I. The release of the health care data shall be subject to the same requirements as the release of the commercial claims data collected under RSA 420-G:11-a. The commissioner of the department of health and human services shall amend the existing rules adopted pursuant to RSA 541-A relative to the release of commercial claims data to include the release of uninsured data.

II. The insurance commissioner, in consultation with the commissioner of the department of health and human services, shall adopt rules under RSA 541-A, relative to the collection and submission of uninsured health care data. The insurance commissioner shall seek input on the data collection rules from an advisory group that includes representatives from provider organizations that are required to submit these data. The data collection rules shall require that the uninsured health care data be submitted to the insurance department and shall address:

- (a) The description of the data to be submitted.

(b) The submission schedule for providing the data.

I The contents of the data, which shall reflect data elements typically submitted to a commercial carrier on a CMS-1500 or UB-04 claim forms or any successor forms.

(d) The filing format to be used.

(e) The specific data elements for submission.

(f) The description of the data codes and sources.

(g) Procedures for providing incomplete data.

(h) Procedures and criteria for encrypting the data and ensuring that the data do not contain direct personal identifiers.

III. The insurance commissioner shall ensure that the data collection rules adopted pursuant to this section under RSA 541-A provide licensed health care providers the following options for the submission of health care data for the uninsured:

(a) The submission of hospital discharge data by licensed health care providers under RSA 126:25, I(d) shall be deemed to satisfy the data submission requirements set forth in RSA 126:25, IV.

(b) Electronic data sets submitted by licensed providers of health care and licensed health care providers not subject to submission pursuant to the hospital discharge data set in RSA 126:25, I(d) may contain similar data elements as required under the hospital discharge data set in RSA 126:25, I(d), and RSA 126:25, IV. The insurance department shall allow flexibility in the actual electronic format of such data to minimize the burden and costs to licensed providers of health care and licensed health care providers choosing to submit data in this format.

126-S:3 Report. The insurance commissioner shall make an annual report to the oversight committee on health and human services, established in RSA 126-A:13, and the house commerce and consumer affairs committee relative to the implementation of this chapter and the data analysis collected pursuant to this chapter.

4 Appropriation. For the purposes of implementing the provisions of RSA 126-S as inserted by section 3 of this act, the New Hampshire insurance department is hereby authorized and directed to seek governor and council approval to enter into an agreement with Bi-State Primary Care Association to administer an equitable system to distribute funds to community health centers subject to RSA 126-S to help defray its data submission costs. The sum of \$70,000 for fiscal year 2010 and the sum of \$50,000 for fiscal year 2011 shall be appropriated to the insurance department, class code 102 contracts for program services. The source of funds for this appropriation shall be the insurance department's annual assessment pursuant to RSA 400-A:39.

5 Effective Date. This act shall take effect January 1, 2010.

AMENDED ANALYSIS

This bill requires hospitals, licensed health care providers, community health centers, federally qualified community health centers, and hospital-owned providers to submit data to the state of New Hampshire for any person who is uninsured and whose care is not paid for by a governmental program.

This bill also requires the commissioner of the insurance department and the commissioner of the department of health and human services to enter into a memorandum of understanding for collaboration in the development of an uninsured health care database. The bill grants rulemaking authority to the commissioners for the purposes of the collaborative effort. The bill makes an appropriation from the insurance department's annual assessments under RSA 400-A:39.

On a division vote, 207 members having voted in the affirmative and 129 in the negative, the majority committee amendment was adopted.

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

Rep. Kurk offered floor amendment (2043h).

Floor Amendment (2043h)

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

AN ACT relative to the data collection practices of health care providers, relative to the development of an uninsured health care database, and defining “unnecessary hardship” for purposes of zoning variances.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Powers of Zoning Board of Adjustment; Variance. RSA 674:33, I(b) is repealed and reenacted to read as follows:

(b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

For purposes of this paragraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area, either (i) there is no reasonable and economically viable use that can be made of the property that would be in strict compliance with the ordinance; or (ii) no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific application of the ordinance to the property, and the proposed use is otherwise a reasonable one. This definition of “unnecessary hardship” shall apply whether the provision of the ordinance from which a variance sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

AMENDED ANALYSIS

This bill:

I. Requires hospitals, community health centers, and hospital-owned providers to submit data to the department of health and human services for any person who is uninsured and whose care is not paid for by a governmental program.

II. Requires the commissioner of the insurance department and the commissioner of the department of health and human services to enter into a memorandum of understanding for collaboration in the development of a comprehensive uninsured health care database. The bill grants rulemaking authority to the commissioners for the purposes of the collaborative effort.

III. Defines an unnecessary hardship for a zoning variance as an application of the ordinance that denies the landowner a reasonable and economically viable use of a property and that has no fair and substantial relationship between the public purposes of the ordinance and its application to the property.

Reps. Kurk and Butler spoke in favor.

(Rep. Foster in the Chair)

On a division vote, 331 members having voted in the affirmative and 35 in the negative, floor amendment (2043h) was adopted.

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

Rep. Hunt spoke against.

Rep. Nord spoke in favor.

On a division vote, 243 members having voted in the affirmative and 110 in the negative, the majority committee report was adopted.

Ordered to third reading.

SB 190, relative to race track cocktail lounge licenses. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for the Majority of Commerce and Consumer Affairs: Current law prohibits anyone holding any type of liquor license for on-site consumption from allowing patrons to carry in their own alcoholic beverages. Under previous ownership, the NH Motor Speedway did not have a liquor license for the grandstand area and allowed patrons to carry in their own beverages (beer) in coolers no larger than 14"x14"x14". The track employees inspect each cooler and glass containers are prohibited. The new ownership would like to obtain a license to sell beer to those patrons who wish to purchase on-site while still allowing patrons to carry in. The change in the law contained in SB 190 is necessary to accomplish that. The committee felt that with just a handful of events at the track each year, this was a reasonable request that will benefit the state through increased rooms and meals tax. Also, the track's boost to the NH economy and budget are significant, and we are fortunate that our track has two races per year, a position that is coveted by other states. Most NASCAR tracks around the country sell beer on-site and allow patrons to carry-in, a practice that is anticipated by most patrons. The liquor commission enforcement chief told the committee that a limited pilot program last year went very well with few problems and the track takes its responsibilities seriously, including training its personnel well. Therefore the strong majority of the committee felt SB 190 should be sent to the governor for his signature. Vote 17-1.

Rep. Joel F. Winters for the Minority of Commerce and Consumer Affairs: Over the last racing season, the New Hampshire Motor Speedway began selling beer in certain areas, which had to be consumed in that area and could not be brought back to the grandstands. Bringing in up to 30 cans of beer to the grandstands (but not into the beer areas) was still allowed. The current law is clear – the only beer which can be consumed on any licensee's premises is that which has been sold by the licensee. Although the minority supports the underlying idea of this bill, which would allow fans to consume both their own beer or beer purchased from the Speedway anywhere on the premises, the minority objects very strongly to only allowing a single licensee to request this exemption. In the minority amendment, every licensee, such as hotels, veteran's clubs and watercraft licensees, would have the freedom to request permission from the liquor commission to allow their customers to bring in their own beer. No licensee would be required to allow customers to do so. They could still set their own policies (like restaurants do with outside food) but every licensee would be treated the same under the law, and be given the opportunity to make their own business decisions.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Winters offered minority committee amendment (1355h).

Minority Amendment (1355h)

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

AN ACT relative to consumption of alcoholic beverages.

Amend the bill by replacing section 1 with the following:

1 On-Premises Cocktail Lounge Licenses. Amend RSA 178:22, III to read as follows:

III. No beverage or liquor shall be consumed on the licensed premises except that sold by the licensee ***unless approved by the commission.***

AMENDED ANALYSIS

This bill modifies the restriction on consuming alcoholic beverages on licensed cocktail lounge premises.

Rep. Winters spoke in favor.

Rep. Butler spoke against.

On a division vote, 124 members having voted in the affirmative and 234 in the negative, the minority committee amendment failed.

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 280 NAYS 90

YEAS 280

BELKNAP

Arsenault, Beth	Bolster, Peter	Flanders, Donald	Johnson, William
Merry, Liz	Millham, Alida	Pilliod, James	Reever, Judith
Russell, David	Stuart, Richard	Veazey, John	

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Chandler, Gene	Knox, J. David	McConkey, Mark	Patten, Betsey
Stevens, Stanley	Umberger, Karen	Wiley, Susan	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Carlson, Nancy
Carr, Daniel	Eaton, Daniel	Hunt, John	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Scott
Rappaport, Laurence	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Friedrich, Carol	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Preston, Philip
Taylor, Kathleen	Townsend, Charles	Ward, Brien	White, Andrew
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beauchamp, Roger	Beaulieu, Jane
Beck, Catriona	Belvin, William	Bergin, Peter	Boisvert, Ronald
Campbell, David	Chandley, Shannon	Chininis, Alexis	Christensen, Chris
Clemons, Jane	Cote, David	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Gandia, Laura	Gidge, Kenneth
Ginsburg, Ruth	Goley, Jeffrey	Graham, John	Hackel, Paul
Haefner, Robert	Hammond, Jill	Harvey, Philip	Harvey, Suzanne
Hawkins, Ken	Hebert, Roger	Hinch, Richard	Hodges, Kevin
Holden, Frank	Holden, Rip	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Katsiantonis, George	Kelley, John	Knowles, John
Knowles, Mary Ann	Komi, Richard	Kopka, Angeline	Kurk, Neal

L'Heureux, Robert
Levesque, Melanie
Marshall, Seth
Movsesian, Lori
Pilotte, Maurice
Ramsey, Peter
Schulze, Joan
Shaw, Kimberly
Walsh, Robert Jr

LaPlante, Roland
Lisle, Carolyn
McCarthy, Michael
Nixon, David
Poznanski, Brian
Rosenwald, Cindy
Seidel, Carl
Silva, Peter
Williams, Carol

Leishman, Peter
Long, Patrick
Messier, Irene
O'Brien, Michael Sr
Pratt, Calvin
Rowe, Robert
Shattuck, Gilman
Spaulding, Jayne
Winters, Joel

Levasseur, Nickolas
Mack, Ron
Moran, Edward
O'Neil, James
Price, Pamela
Ryder, Donald
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Anderson, Eric
Davis, Frank
Gile, Mary
McGuire, Carol
Palfrey, David
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Bartlett, Michael
DeJoie, John
Kelly, Sally
McMahon, Patricia
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Kidder, David
Osborne, Jessie
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Borden, David
Case, Frank
Cushing, Robert
Emiro, Frank
Gould, Kenneth
Hutchinson, Gina
Lyons, Melissa
McEachern, Paul
Nevins, Chris
Pantelakos, Laura
Rausch, James
Sapareto, Frank

Bailey, Clinton
Bridle, Russell
Casey, Kimberley
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Major, Norman
McKinney, Betsy
Nord, Susi
Perkins, Lawrence
Read, Robin Jr
Scamman, Stella

Baldasaro, Alfred
Brown, C. Pennington
Charron, Gene
DiPentima, Rich
Garcia, Marilinda
Headd, James
Ingram, Russell
Mann, Maureen
McMahon, Charles
Norelli, Terie
Priestley, Anne
Russell, Joseph
Scamman, W.
Douglas Jr
Tucker, Pamela

Belanger, Ronald
Cali-Pitts, Jacqueline
Crisler, Margaret
Elliott, Robert
Gleason, John
Howard, Doreen
Itse, Daniel
McCarthy, Barbara
Moody, Marcia
Packard, Sherman
Quandt, Matt
Russell, Trinkia
Schlachman, Donna
Weare, Everett

Splaine, James
Webber, Carolyn

Stiles, Nancy

STRAFFORD

Berube, Roger
Brown, Julie
Cyr, James
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Wall, Janet

Bickford, David
Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Brennan, William
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Jennifer
Burke, Rachel
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra
Osgood, Joe

Donovan, Thomas Jr
Houde-Quimby,
Charlotte
Skinder, Carla

Gagnon, Raymond
Howard, Thomas

Gottling, Suzanne
McClammer, Jim

NAYS 90

BELKNAP

Boyce, Laurie
Swinford, Elaine

Miller, Kate

Nedeau, Stephen

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph

Roberts, John

Scala, Dino

CHESHIRE

Butynski, William
Parkhurst, Henry

Emerson, Susan
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

COOS

Merrick, Evalyn

Remick, William

GRAFTON

Ford, Susan
Smith, Suzanne

Ingbreton, Paul

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Farley, Michael
Hardy, Valerie
Hopper, Gary

Caron, June
Daniels, Gary
Gagne, Larry
Hikel, John
Matarazzo, Anthony
Sr

Cebrowski, John
Day, Russell
Gargasz, Carolyn
Hinkle, Peyton
Mead, Robert

Chase, Claudia
Elliott, Nancy
Gorman, Mary
Hogan, Edith
O'Brien, William

Ober, Lynne
Renzullo, Andrew
Vaillancourt, Steve

Ober, Russell III
Soucy, Connie
Villeneuve, Moe

Palmer, Stephen
Tahir, Saghir
Willette, Robert

Pellegrino, Tony
Thompson, Robert

MERRIMACK

Brown, Carole
Smith, Todd

Coffey, Jennifer

Kotowski, Frank

Reed, Dennis

ROCKINGHAM

Allen, Mary
Day, Judith
Dumaine, Dudley
Hagan, Joseph
Kappler, L. Mike
Kolodziej, Walter
Sedensky, John

Bates, David
Devine, James
Fesh, Robert
Henson, John
Katsakiores, George
Perkins, Amy
Smith, William

Bettencourt, David
DiFruscia, Anthony
Flanders, John Sr
Hoelzel, Kathleen
Katsakiores, Phyllis
Petterson, Don
Sullivan, James

Comerford, Timothy
Dowling, Patricia
Garritty, James
Introne, Robert
Kepner, Susan
Reagan, John
Welch, David

STRAFFORD

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Rodeschin, Beverly

Sweeney, Cynthia

and the majority committee report was adopted.
Ordered to third reading.

(Speaker Norelli in the Chair)

BILL REMOVED FROM CONSENT CALENDAR

SB 168-FN, establishing the Coastal Watershed Alliance. **OUGHT TO PASS.**

Rep. Ron J. Mack for Ways and Means: The establishment of the Southeast Watershed Alliance repeals the estuary alliance for sewage treatment in the seacoast. The previous alliance did not include all municipalities in the seacoast watershed. The Southeast Watershed Alliance created by SB 168 includes upstream towns and municipalities that contribute to water quality in downstream communities. The Alliance allows all communities to participate in a comprehensive watershed management to improve and protect water quality in the seacoast watershed. The establishment of the Southeast Watershed Alliance Fund will allow the Alliance to receive grants, donations, and other funding from local, state, federal, and private sources into a non-lapsing fund for the purpose of planning, public education and outreach, organizational assistance, and implementation and infrastructure uses consistent with the stated purpose of the Alliance. Vote 17-2.

Rep. William Smith spoke against.

Rep. Spang spoke in favor.

Committee report adopted and ordered to third reading.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 73, relative to the solemnization of marriage.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 73, relative to the solemnization of marriage. (Report printed SJ 6-3-09)

Rep. Gary Richardson moved that the House adopt the Committee of Conference Report.

Reps. Rowe, Chandler and William O'Brien spoke against.

Rep. Gary Richardson spoke in favor and yielded to questions.

Reps. Kris Roberts, Vaillancourt, DiFruscia and Pierce spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 198 NAYS 176

YEAS 198

BELKNAP

Arsenault, Beth
Millham, Alida

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Butterworth, Timothy
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Craig, James
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Katsiantonis, George
Kopka, Angeline
Lisle, Carolyn
Messier, Irene
Ramsey, Peter
Shaw, Barbara
Williams, Carol

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Dokmo, Cynthia
Ginsburg, Ruth
Hammond, Jill
Hebert, Roger
Knowles, John
Leishman, Peter
Long, Patrick
Nixon, David
Rosenwald, Cindy
Thompson, Robert
Winters, Joel

Beaulieu, Jane
Caron, June
Clemons, Jane
Farley, Michael
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Schulze, Joan
Vaillancourt, Steve

Beck, Catriona
Chandlee, Shannon
Cote, David
Foster, Linda
Gorman, Mary
Harvey, Philip
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Marshall, Seth
Poznanski, Brian
Shattuck, Gilman
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeJoie, John
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
Foose, Robert
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Russell, Trinka

Borden, David
Cushing, Robert
Gleason, John
Kepner, Susan
McEachern, Paul
Pettersen, Don
Schlachman, Donna

Brown, C. Pennington
Day, Judith
Gould, Kenneth
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Henson, John
Mann, Maureen
Nord, Susi
Russell, Joseph
Webber, Carolyn

STRAFFORD

Brennan, William
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Michael

Brown, Jennifer
Cyr, James
Hubbard, Pamela
Perry, Robert
Rous, Emma

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Rogers, Rose Marie
Ryder, Mark

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Schmidt, Peter

Smith, Marjorie
Ward, Kenneth

Spang, Judith
Watters, David

Vachon, Dennis

Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Harris, Sandra
Sweeney, Cynthia

NAYS 176

BELKNAP

Bolster, Peter
Pilliod, James
Veazey, John

Boyce, Laurie
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Nedeau, Stephen
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Scala, Dino

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

CHESHIRE

Butynski, William
Laurent, John

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Emerton, Larry
Graham, John
Hinch, Richard
Holden, Rip
Kelley, John
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Pilotte, Maurice
Rowe, Robert
Silva, Peter
Ulery, Jordan

Belvin, William
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
Kurk, Neal
Mead, Robert
O'Neil, James
Pellegrino, Tony
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Drisko, Richard
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Infantine, William
L'Heureux, Robert
Moran, Edward
Ober, Lynne
Pepino, Leo
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Willette, Robert

Boisvert, Ronald
Daniels, Gary
Elliott, Nancy
Gargas, Carolyn
Hikel, John
Holden, Frank
Jasper, Shawn
LaPlante, Roland
Movsesian, Lori
Ober, Russell III
Peterson, Andrew
Renzullo, Andrew
Shaw, Kimberly
Tahir, Saghir

MERRIMACK

Anderson, Eric

Boutin, David

Coffey, Jennifer

DeStefano, Stephen

Hess, David
Palfrey, David

Kidder, David
Reed, Dennis

Kotowski, Frank
Smith, Todd

McGuire, Carol

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Hutchinson, Karen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Scamman, Stella

Bailey, Clinton
Bettencourt, David
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Headd, James
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Garrity, James
Hoelzel, Kathleen
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John
Sedensky, John

Bates, David
Bridle, Russell
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Howard, Doreen
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Smith, William

Stiles, Nancy
Welch, David

Tucker, Pamela

Weare, Everett

STRAFFORD

Berube, Roger
Lewis, Robert

Bickford, David
Twombly, James

Brown, Julie
Vita, Carol

Groen, Warren

SULLIVAN

Donovan, Thomas Jr
and the motion was adopted.

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

Rep. Flurey did not vote and notified the Clerk that she wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Eaton moved that the House reconsider its action whereby it adopted the Committee of Conference Report on **HB 73**, relative to the solemnization of marriage.

Rep. Eaton spoke against and requested a roll call; sufficiently seconded.

YEAS 159 NAYS 214

YEAS 159

BELKNAP

Bolster, Peter
Pilliod, James
Veazey, John

Boyce, Laurie
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Nedeau, Stephen
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Ingersoll, Paul Sr
Stohl, Eric

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Emerton, Larry
Graham, John
Hinch, Richard
Infantine, William
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Belvin, William
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
LaPlante, Roland
O'Brien, William
Pellegrino, Tony
Pratt, Calvin
Ryder, Donald
Spaulding, Jayne
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Drisko, Richard
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Kelley, John
McCarthy, Michael
Ober, Lynne
Pepino, Leo
Price, Pamela
Seidel, Carl
Tahir, Saghir

Boisvert, Ronald
Daniels, Gary
Elliott, Nancy
Gargasz, Carolyn
Hikel, John
Hopper, Gary
Kurk, Neal
Mead, Robert
Ober, Russell III
Peterson, Andrew
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

MERRIMACK

Anderson, Eric
Hess, David
Reed, Dennis

Boutin, David
Kotowski, Frank
Smith, Todd

Coffey, Jennifer
McGuire, Carol

DeStefano, Stephen
Palfrey, David

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Hutchinson, Karen
Kappler, L. Mike
Major, Norman
Packard, Sherman
Quandt, Matt
Sedensky, John
Weare, Everett

Bailey, Clinton
Bettencourt, David
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Headd, James
Ingram, Russell
Katsakiores, George
McKinney, Betsy
Perkins, Amy
Rausch, James
Smith, William

Baldasaro, Alfred
Bishop, Franklin
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Garrity, James
Hoelzel, Kathleen
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Reagan, John
Stiles, Nancy

Bates, David
Bridle, Russell
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Howard, Doreen
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Sullivan, James

STRAFFORD

Berube, Roger

Brown, Julie

Groen, Warren

Vita, Carol

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 214

BELKNAP

Arsenault, Beth
Millham, Alida

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

Butynski, William
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Merrick, Scott

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Craig, James
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Holden, Rip
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron
Nixon, David
Ramsey, Peter
Shaw, Barbara
Walsh, Robert Jr

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Dokmo, Cynthia
Ginsburg, Ruth
Hammond, Jill
Hebert, Roger
Irwin, Anne-Marie
Komi, Richard
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr
Rosenwald, Cindy
Shaw, Kimberly
Williams, Carol

Beaulieu, Jane
Caron, June
Clemons, Jane
Farley, Michael
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Katsiantonis, George
Kopka, Angeline
Lisle, Carolyn
Messier, Irene
O'Neil, James
Schulze, Joan
Thompson, Robert
Winters, Joel

Beck, Catriona
Chandley, Shannon
Cote, David
Foster, Linda
Gorman, Mary
Harvey, Philip
Holden, Frank
Knowles, John
Leishman, Peter
Long, Patrick
Movsesian, Lori
Poznanski, Brian
Shattuck, Gilman
Vaillancourt, Steve

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary

Bouchard, Candace
DeJoie, John
Kelly, Sally

Brown, Carole
Foosse, Robert
Kidder, David

Clarke, Claire
French, Barbara
Lockwood, Priscilla

McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Russell, Trink

Borden, David
Cushing, Robert
Gleason, John
Kepner, Susan
McEachern, Paul
Pettersen, Don
Scamman, Stella

Brown, C. Pennington
Day, Judith
Gould, Kenneth
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Scamman, W.
Douglas Jr
Webber, Carolyn

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Henson, John
Mann, Maureen
Nord, Susi
Russell, Joseph
Schlachman, Donna
Welch, David

Splaine, James

Tucker, Pamela

STRAFFORD

Bickford, David
Browne, Brendon
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Ryder, Mark
Vachon, Dennis

Brennan, William
Burke, Rachel
Horrigan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cyr, James
Hubbard, Pamela
Lewis, Robert
Rollo, Michael
Smith, Marjorie
Ward, Kenneth

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and the motion failed.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 76, establishing a permanent commission to study recommendations of the National Transportation Safety Board. (Amendment printed SJ 5-27-09)
Rep. Robert Williams moved that the House concur, spoke in favor and yielded to questions.
Adopted.

HB 112, relative to addresses on motor vehicle registrations. (Amendment printed SJ 5-20-09)
Rep. Robert Williams moved that the House concur and spoke in favor.
Adopted.

HB 518, relative to driver's license application forms. (Amendment printed SJ 5-20-09)
Rep. Robert Williams moved that the House concur and spoke in favor.
Adopted.

RESOLUTION

Rep. Wallner 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 10, 2009 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 102-FN, relative to managed care and patient choice.

SB 50, relative to funds and programs of the department of environmental services.

SB 171-FN, relative to competency evaluations.

SB 178, relative to the operation of the special school district for the education of eligible offenders held in facilities operated by the department of corrections, and establishing the director of community corrections position in the department of corrections.

SB 149, relative to the transition of functions and amending the reporting requirements of the community college system of New Hampshire and making an appropriation therefor.

SB 185-FN, relative to rates and charges for medical services to state prisoners.

SB 200-FN, relative to retirement system death benefits for members who die while performing military service.

SB 112, establishing a commission to study community- and residential-based treatment programs for certain adults with developmental disabilities.

SB 172, relative to eligibility for state-federal extended unemployment benefits.

SB 75-L, changing the formula for distribution of highway funds in the Woodsville fire district.

SB 16, extending the date for completion of the state park system development plan.

SB 124, relative to beaver dams.

SB 196, relative to non-judicial punishment for offenses by military officers and personnel.

SB 65-FN, relative to the acceptance of in lieu payments for the restoration or creation of wetlands.

SB 106-FN, establishing a program for mediation of civil writs in the district court and funding the program with a surcharge on the filing fee for civil writs.

SB 107-FN, relative to the leasing of state-owned real estate on public waters.

SB 114, relative to the threshold for notification for lead levels and a window replacement program.

SB 134-FN, relative to the comprehensive shoreland protection act.

SB 167-FN, relative to employee leasing companies.

SB 176-FN, establishing an application fee for probationers and parolees who apply to be supervised in another state.

SB 98, establishing a commission to study state regulations governing installation of boilers, pressure vessels, and related high performance HVAC equipment.

SB 67-FN-A, relative to funding certain AIDS services organizations and relative to certain operating budget reductions for fiscal year 2009.

SB 89-FN, relative to unemployment overpayments.

SB 144-FN, allowing the unemployment compensation trust fund to be charged for benefits paid for certain employee terminations.

SB 180-FN, establishing an accountability system to ensure the opportunity for an adequate education and repealing the legislative committee on costing an adequate education.

SB 40, relative to protecting workers and local governments with advance notice of impending plant closings and layoffs.

SB 129, establishing a committee to study negative balance employers.

SB 78, relative to contractor accountability and disclosure in the public works construction procurement process.

SB 203, relative to liability protection for railroad operators operating alongside recreational trails.

SB 85, relative to the commission to develop a plan for the expansion of transmission capacity in the north country.

SB 55, establishing a commission to study the collision repair industry in New Hampshire.

SB 115, relative to eligibility for the healthy kids program.

SB 138-FN, relative to insurance coverage for telemedicine services.

SB 147-FN, relative to the data collection practices of health care providers and relative to the development of an uninsured health care database.

SB 190, relative to race track cocktail lounge licenses.

SB 168-FN, establishing the Coastal Watershed Alliance.

UNANIMOUS CONSENT

Rep. Michael Rollo addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 4:35 p.m.

RECESS

(Rep. Marjorie Smith in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 73.

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

RECESS

(Rep. Eaton in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011. (Amendments printed SJ 6-3-09)

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

Adopted.

The Speaker appointed Reps. Marjorie Smith, Nordgren, Eaton, Almy and Kurk.

Alternates: Reps. Leishman, Baroody and W. Douglas Scamman.

HB 2-FN-A-L, relative to state fees, funds, revenues and expenditures. (Amendments printed SJ 6-3-09)

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

Adopted.

The Speaker appointed Reps. Marjorie Smith, Nordgren, Eaton, Almy and Kurk.

Alternates: Reps. DeJoie, Hatch and Major.

RECESS

(Rep. W. Douglas Scamman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 36, 43, 63, 130, 148, 149, 169, 186, 206, 233, 255, 270, 315, 345, 350, 464, 501, 570, 585 and 600 and Senate Bills numbered 159 and 201.

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

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 441-FN, relative to CART providers and sign language interpreters. (Amendment printed SJ 5-13-09)

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

The Speaker appointed Reps. Clarke, Yeaton, Barbara Shaw and Stiles.

RECESS

(Rep. Wallner in the Chair)

ENROLLED BILL AMENDMENTS

HB 215, making technical corrections to certain OHRV and snowmobile laws.

Amendment (2022-EBA)

Amend section 4 of the bill by replacing line 4 with the following:

[~~RSA 215 C:11, RSA 215 A:11,~~] RSA 265:79, [~~RSA 265:82, RSA 265:82 a,~~] **RSA 265-A:2, I, RSA 265-A:3,**

Adopted.

HB 251, relative to the state registry of founded reports of abuse, neglect, or exploitation of adults.

Amendment (2038-EBA)

Amend RSA 161-F:49, II(e) as inserted by section 1 of the bill by replacing line 2 with the following:

report from the registry pursuant to RSA 161-F:49, [~~H~~] **X**.

Adopted.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2010 and June 30, 2011.

The President appointed Sens. D'Allesandro, Hassan, Janeway, Sgambati and Gallus. Alternates: Sens. Larsen, Fuller Clark, Reynolds and Odell.

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

The President appointed Sens. D'Allesandro, Hassan, Janeway, Sgambati and Gallus. Alternates: Sens. Larsen, Fuller Clark, Reynolds and Odell.

HB 41, allowing the executive director of fish and game to donate certain hunting and

fishing permits to the wildlife heritage foundation of New Hampshire.
The President appointed Sens. Janeway, Gallus and Gilmour.

HB 623, making various changes to the election laws.
The President appointed Sens. Lasky, Merrill and Carson.

CONCURRENCE

HB 61, relative to a definition of “sustainable energy.”
HB 79, relative to use of the child support guideline worksheet.
HB 106, relative to penalties for land use violations.
HB 237, relative to accident and health insurance short-term policies.
HB 238, relative to market conduct and enforcement.
HB 295, relative to mental health treatment for members of the armed forces and veterans convicted of crimes.
HB 370, relative to equality of treatment of victims of crime.
HB 416, relative to insurance examinations.
HB 420-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.
HB 433-FN-A, relative to funding the law requiring reporting of hospital infections.
HB 459, relative to access to restorative justice programs by victims of crime.
HB 502, modifying the definition of “dam.”
HB 529-FN, relative to the healthy kids program.
HB 695, adopting the uniform child custody jurisdiction and enforcement act.

CONCURRENCE WITH AMENDMENTS

SB 5, prohibiting retailers from disclosing private customer information to foreign states in connection with the collection of certain sales and use taxes.
SB 14, relative to the governing boards of allied health professionals.
SB 22, relative to criminal mischief committed against natural geological formations which have been designated as natural landmarks.
SB 29, relative to review of developments of regional impact.
SB 30, relative to notice of rights under the manufactured housing law.
SB 31-FN, establishing the Candia District Court and the Manchester District Court as judicial branch family division sites and relative to the Dover-Somersworth-Durham district court.
SB 42, establishing a hospice benefit under the state Medicaid plan.
SB 49, relative to the board of barbering, cosmetology, and esthetics.
SB 51, requiring confidentiality of jurors’ addresses and the file in an involuntary admission proceeding.
SB 58, relative to the use of alternating flashing lights on highway maintenance vehicles.
SB 60, establishing a commission to study water infrastructure sustainability funding.
SB 80, establishing a committee to study requiring health insurance coverage for services provided by athletic trainers.
SB 95, relative to criminal records checks for certain employees and volunteers.
SB 135-FN, increasing snowmobile registration fees, OHRV dealer and rental agency registration fees, agent’s fee for OHRVs and snowmobiles, and the penalty for an unregistered snowmobile.
SB 151, relative to quorum requirements for public bodies for which a quorum is not expressly declared.
SB 156, relative to the commission to study the creation of an animal care worker classification.
SB 160-FN, relative to benefits of dependents of a retirement system member who is killed

or dies in the performance of duty.

SB 187, relative to the administrative changes to the Nashua public works retirement system.

SB 188, relative to establishing a commission to study hospital billing practices of health care providers.

SB 189, relative to decisions of local land use boards.

SB 195, relative to procedures for the trimming, cutting, or removal of trees by utilities.

NONCONCURRENCE

HB 127, relative to the treatment of pregnant inmates.

HB 158, relative to the membership on the healthy kids board.

HB 312, permitting a person to record a law enforcement officer in the course of such officer's official duties.

HB 343, relative to payroll deductions.

HB 351, relative to the interest rate on late and delinquent property tax payments and subsequent payments.

HB 438, relative to admission into evidence of certain medical bills, reports, and records.

HB 504, relative to the termination of guardianship of a minor.

HB 587-FN, establishing an information and analysis center within the department of safety.

RE-REFERRED TO COMMITTEE

HB 174-FN, establishing a performance measurement system for state agencies.

HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants.

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases.

HB 314-L, relative to the assessment of certain costs associated with proposed large groundwater withdrawals from wells.

HB 360, relative to members of the general court participating in the state group health insurance plan.

HB 446, defining "unnecessary hardship" for purposes of zoning variances.

HB 514, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts.

HB 621, relative to establishing procedures for identifying criminal defendants who may have a mental illness.

HB 686, relative to complaint procedures in cases before the commission for human rights.

LAID ON THE TABLE

HB 694, adopting the uniform child abduction prevention act.

RECESS

(Rep. Foster in the Chair)

SENATE MESSAGES

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 142, relative to registration of criminal offenders and relative to involuntary commitment of sexually violent predators.

The President appointed Sens. Reynolds, Houde and Letourneau.

Rep. Norelli moved that the House accede.

Adopted.

The Speaker appointed Reps. Shurtleff, Pantelakos, Welch and Charron.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 25-FN-A, making appropriations for capital improvements. (Amendment printed SJ 6-3-09)

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

Adopted.

The Speaker appointed Reps. Bouchard, Campbell, Cloutier and Chandler.

HB 322, relative to the minimum age required to purchase fireworks. (Amendment printed SJ 6-3-09)

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

Adopted.

The Speaker appointed Reps. Cushing, Rodd, Swinford and Fesh.

RECESS

(Rep. Rosenwald in the Chair) SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 78, relative to the interbranch criminal and juvenile justice council and appointing an additional member to the interagency coordinating council for women offenders.

The President appointed Sens. Cilley, DeVries and Carson.

HB 322, relative to the minimum age required to purchase fireworks.

The President appointed Sens. Reynolds, Letourneau and Houde.

HB 334-FN, relative to consumer credit.

The President appointed Sens. DeVries, Cilley and Bragdon.

HB 408-FN, relative to the regulation of physicians and physician assistants by the board of medicine.

The President appointed Sens. Cilley, Fuller Clark and Carson.

HB 441-FN, relative to CART providers and sign language interpreters.

The President appointed Sens. Kelly, Merrill and Letourneau.

HB 473-FN, relative to water treatment plants and penalties for safe drinking water violations.

The President appointed Sens. Lasky, Houde and Roberge.

HB 578-FN-L, relative to testimony by video teleconference.

The President appointed Sens. Houde, Lasky and Roberge.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 292, relative to financial disclosures, lobbyist registrations and statements, prohibited gifts, and executive branch volunteers. (Amendment printed SJ 5-27-09)

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

Adopted.

The Speaker appointed Reps. Splaine, Pierce, Bartlett and Jasper.

HB 513, relative to the prohibition on voting in more than one state. (Amendment printed SJ 5-27-09)

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

The Speaker appointed Reps. Pierce, Bartlett, Jasper and Drisko.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 52, making technical corrections to laws relative to courts and court procedures.

The President appointed Sens. Lasky, Houde and Roberge.

Rep. Wallner moved that that the House accede.

Adopted.

The Speaker appointed Reps. Gary Richardson, Potter, Watrous and Rowe.

CONFEREE CHANGES

HB 473, relative to water treatment plants and penalties for safe drinking water violations.

Rep. Pantelakos replaced Rep. Charron.

Rep. Weare appointed.

HB 623, making various changes to the election laws.

Rep. Pierce replaced Rep. Clemons.

Rep. Bartlett appointed.

SB 52, making technical corrections to laws relative to courts and court procedures.

Rep. William Smith replaced Rep. Rowe.

Rep. Lucy Weber replaced Rep. Watrous.

RECESS