

May 24, 2007
No. 22A

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM

REPORTS & AMENDMENTS

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MAY 31, 2007 AT 10:00 A.M.**

REPORTS

EDUCATION

HB 95-L, (New Title) relative to the treatment of charter school pupils in the definition of average daily membership in residence.

Ought to Pass, Vote 5-0

Senator Letourneau for the committee.

HB 304, relative to the criteria under which guardianship over a minor is granted.

Re-refer to committee, Vote 5-0

Senator Kelly for the committee.

HEALTH AND HUMAN SERVICES

HB 298, relative to the healthy kids corporation.

Ought to Pass, Vote 2-0

Senator Estabrook for the committee.

HB 327, (New Title) allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.

Inexpedient to Legislate, Vote 2-0

Senator Fuller Clark for the committee.

HB 396, establishing a commission to study autism spectrum disorders in New Hampshire.

Ought to Pass, Vote 2-0

Senator Estabrook for the committee.

HB 583-FN, relative to funding for HIV/AIDS services.

Ought to Pass, Vote 2-0

Senator Fuller Clark for the committee.

HB 862-FN, establishing an incapacitated adult fatality review committee.

Ought to Pass, Vote 2-0

Senator Fuller Clark for the committee.

HB 867-FN-L, relative to parent liability for court-ordered services in juvenile proceedings.

Re-refer to committee, Vote 2-0

Senator Estabrook for the committee.

JUDICIARY

HB 37, relative to notification requirements for criminal offenders.

Ought to pass with amendment, Vote 4-0

Senator Gottesman for the committee.

HB 261, prohibiting the Carroll county attorney from engaging in the private practice of law.

Ought to pass with amendment, Vote 5-0

Senator Reynolds for the committee.

HB 406, relative to access to state child support enforcement records.

Ought to Pass, Vote 5-0

Senator Reynolds for the committee.

HB 410, establishing a commission on child support issues.

Ought to pass with amendment, Vote 5-0

Senator Foster for the committee.

HB 444, relative to parental rights in abuse and neglect cases.

Ought to Pass, Vote 5-0

Senator Clegg for the committee.

HB 463, relative to the awarding parental rights and responsibilities to a stepparent or grandparent.
Re-refer to committee, Vote 5-0
Senator Reynolds for the committee.

HB 470, relative to the determination of parental rights and responsibilities.
Inexpedient to Legislate, Vote 5-0
Senator Clegg for the committee.

HB 791-FN, (New Title) establishing a commission to study the legal and social effects of permitting same gender marriage.
Inexpedient to Legislate, Vote 4-1
Senator Clegg for the committee.

HB 796, relative to civil liability for damaging highway protective barriers.
Ought to pass with amendment, Vote 5-0
Senator Clegg for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

HB 115, relative to the procedure for counties to apply for, accept, and expend federal, state, or other grants.
Inexpedient to Legislate, Vote 4-0
Senator DeVries for the committee.

HB 456, (New Title) limiting liability for town health officers and overseers of public welfare when acting in the course of their official duties.
Ought to pass with amendment, Vote 4-0
Senator DeVries for the committee.

HB 457, (New Title) allowing local governing bodies to restrict lawn watering during declared droughts.
Ought to Pass, Vote 3-1
Senator Roberge for the committee.

HB 692, (New Title) allowing certain municipalities in economically depressed counties to adopt a property tax exemption for industrial construction.
Ought to pass with amendment, Vote 3-0
Senator Barnes for the committee.

AMENDMENTS

Sen. Foster, Dist. 13
May 29, 2007
2007-1909s
04/01

Amendment to HB 37

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.
2007-1909s

AMENDED ANALYSIS

This bill requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as “designated volunteers” who may be required to undergo a background investigation and a criminal history records check and allows local law enforcement agencies to notify the superintendent of the school administrative unit and the principal of any school within its jurisdiction of the address of a registered criminal offender.

Senate Judiciary
May 29, 2007
2007-1942s
10/04

Amendment to HB 261

Amend RSA 7:34-f as inserted by section 1 of the bill by replacing it with the following:

7:34-f Private Practice [~~Restricted~~] **Prohibited**; Carroll County. The Carroll county **full-time county** attorney shall not directly or indirectly engage in the private practice of [~~criminal~~] law or accept any fees or compensation other than his or **her** official salary **and benefits** for any legal services [~~in the field of criminal law. He may engage in the private practice of civil law~~]. **Private practice of law does not include the provision of legal services without charge to the members of the county attorney's family, when the provision of these services does not conflict with his or her official duties.**

Sen. Foster, Dist. 13

May 17, 2007

2007-1703s

05/04

Amendment to HB 410

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

1 New Section; Commission on Child Support. Amend RSA 458-C by inserting after section 7 the following new section:

458-C:8 Commission on Child Support. There is established a commission on child support issues.

I. The commission shall consist of the following members:

- (a) The governor, or a designee.
- (b) One members of the senate, appointed by the president of the senate.
- (c) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (d) The administrator of the department of health and human services office of child support enforcement services, or a designee.
- (e) Six public members involved in different custodial arrangements, 2 appointed by the governor, 2 appointed by the senate president, and 2 appointed by the speaker of the house of representatives.
- (f) The chairperson of the guardian ad litem (GAL) board, or a designee from GAL board members.
- (g) The chair of the family law section of the New Hampshire Bar Association, or a designee from their membership.
- (h) The administrative judge of the judicial branch family division, or a designee from the judges and marital matters in the family division.

II. Members of the commission shall serve without compensation, except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. Elected members of the commission shall serve a term coterminous with their service in public office. Any vacancy shall be filled in the same manner as the original appointment.

III. Upon completion of the economic analysis of the child support guidelines resulting from RFP #07-DCSS-ED-02, issued July 24, 2006, the commission shall study the report, review the child support guidelines, and make recommendations for any needed changes. Specifically, the commission shall consider the self-support reserve amount and determine appropriate minimum and maximum levels for both self-support and support. The commission also shall make recommendations for any proposed legislation that the commission deems necessary.

IV. The members of commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate appointee. The first meeting of the commission shall be held within 45 days of the effective date of this section. A simple majority of commission members shall constitute a quorum.

V. On November 1, 2008 and each November 1 thereafter, the commission shall submit an annual report of 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 chief justice of the supreme court, and the state library.

2 Repeal. RSA 458-C:8, relative to the commission on child support, is repealed.

3 Effective Date.

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

II. The remainder of this act shall take effect January 1, 2008.

Public and Municipal Affairs

May 29, 2007

2007-1914s

08/09

Amendment to HB 456

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

AN ACT limiting liability for town health officers when acting in the course of their official duties.

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

1 Health Officers and Overseers of Public Welfare; Liability. Amend RSA 31:104 to read as follows:

31:104 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision[;], no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, regional planning commissioners, ***town health officers***, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his ***or her*** official capacity in good faith and within the scope of his ***or her*** authority.

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

2007-1914s

AMENDED ANALYSIS

This bill limits liability for town health officers when acting in the course of their official duties.

Public and Municipal Affairs

May 29, 2007

2007-1912s

10/04

Amendment to HB 692

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

AN ACT allowing certain municipalities to adopt a property tax exemption for industrial construction, and excluding private septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.

Amend the bill by replacing section 1 with the following:

1 Statement of Intent. It is the purpose of section 2 of this act to foster the economic development of economically depressed municipalities by enabling them to encourage new construction, rehabilitation, and improvement of property for industrial use through the adoption of tax exemptions. It is the further purpose of section 2 of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

Amend RSA 72:75 as inserted by section 2 of the bill by replacing it with the following:

72:75 Definitions. In this subdivision:

I. "Eligible municipality" shall mean any city or town which meets 2 of the following 3 criteria as established by the director of the office of energy and planning:

(a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken to adopt the provisions of this subdivision;

(b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken to adopt the provisions of this subdivision; and

(c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year period available prior to the vote taken to adopt the provisions of this subdivision.

II. "Industrial uses" shall include all manufacturing, production, assembling, warehousing or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials. A town or city adopting a tax exemption under this subdivision may adopt by reference an alternative or additional definition of industrial uses as may be contained in that town or city's zoning ordinance.

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

3 Property Taxation; Water and Air Pollution Control Facilities. Amend RSA 72:12-a, I to read as follows:

I. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills, *or to private septic and sewage treatment systems that have as their primary purpose treatment or disposal of human waste.*

4 Effective Date.

I. Section 3 of this act shall effect April 1, 2008.

II. The remainder of this act shall take effect July 1, 2007.

2007-1912s

AMENDED ANALYSIS

This bill allows certain economically depressed municipalities to adopt a new construction property tax exemption for industrial uses. This bill also adds an exclusion for private septic and sewage treatment facilities in the property tax exemption for the value of water and air pollution treatment facilities.

Senate Judiciary

May 29, 2007

2007-1945s

06/09

Amendment to HB 796

Amend RSA 236:39 as inserted by section 1 of the bill by replacing it with the following:

236:39 Civil Liability. If any person, without authority, shall place any obstruction in a highway, or cause any defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he or she shall be liable to the state for all damages to the highway, including replacement costs of protective barriers, when maintained by the state, or to the municipality for all damages to a highway, including replacement costs of protective barriers, when maintained by the municipality, and for all damages and costs which the state or municipality shall be compelled to pay to any person injured by such obstruction, defect, insufficiency or want of repair.