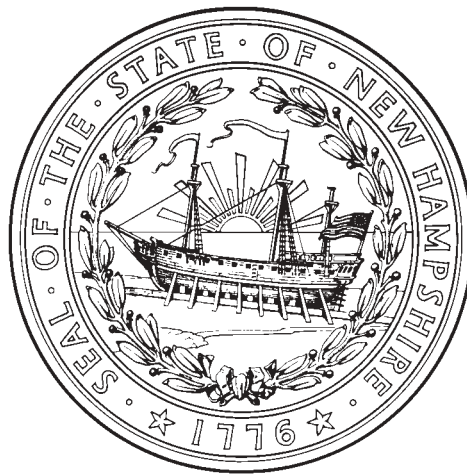


February 24, 2005
Nos. 6 - 7

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 17, 2005 SESSION
COMMENCEMENT – FEBRUARY 24, 2005 SESSION

SENATE JOURNAL 6 *(Cont.)*

February 17, 2005

INTRODUCTION OF SENATE BILLS

Senator Flanders offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate Bill numbered SB 224, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

First and Second Reading and Referral

05-1063

SB 224, relative to the committee on judicial conduct. (Foster, Dist 13: Judiciary)

Out of Recess.

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of attending to an address by Chief Justice John T. Broderick, Jr. on the state of Judiciary.

In recess for Joint Convention.

Out of recess.

RESOLUTION

Senate Clegg moved that the Senate recess to 10:00 a.m. on Thursday, February 24, 2005 for the purposes of introducing legislation and receiving messages and processing enrolled bill reports.

Adopted.

In recess.

Out of recess.

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 7

February 24, 2005

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, chaplain to the Senate, offered the prayer.

Great, kind, fierce and gentle One, teach us each to find our value in Your extravagant care for us, and not in any temporary positions of privilege, power or prestige. But when we are given them, let us spend those moments in deeds of humble self giving.

Amen

Senator Flanders led the Pledge of Allegiance.

Senator Burling is excused for the day.

**INTRODUCTION OF GUESTS
COMMITTEE REPORTS**

SB 11-FN, extending the local property tax exemption for wooden poles and conduits. Energy and Economic Development Committee. Ought to pass, Vote 3-2. Senator Boyce for the committee.

SPECIAL ORDER

Senator Boyce moved that we Special Order the following Bill to the next session.

SB 11-FN, extending the local property tax exemption for wooden poles and conduits.

Adopted.

Without Objection.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives. Energy and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 149-FN-A, relative to exemptions from the communications services tax. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 3-2. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Kenney for the committee.

Senate Executive Departments and Administration
February 16, 2005
2005-0335s
01/10

Amendment to SB 57

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Two members of the senate, appointed by the president of the senate.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 113-FN, relative to the use of federal funds for technology improvements within the department of employment security. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 153-FN, relative to the administration of certain programs by the department of environmental services. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration
February 17, 2005
2005-0354s
06/09

Amendment to SB 153-FN

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend the bill by replacing section 1 with the following:

1 Department of Environmental Services; Chief Operations Officer Changed to Chief Financial Officer. Amend RSA 21-O:2, III-a to read as follows:

III-a. The commissioner shall nominate for appointment by the governor and council a chief [~~operations~~] **financial** officer of the commissioner's office who shall serve for a term of 4 years. The chief [~~operations~~] **financial** officer shall oversee and coordinate the activities of the administrative services, geology, public information and permitting, and laboratory services units, and shall be responsible for the following functions:

- (a) Preparing agency budget requests.
- (b) Developing and implementing procedures for assuring smooth operation of the various units within the commissioner's office.
- (c) Ensuring compliance with directives and procedures by the governor and general court.
- (d) Implementing audit recommendations concerning the commissioner's office units.
- (e) Carrying out the directives of the commissioner and assistant commissioner.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Kenney for the committee.

Senate Executive Departments and Administration

February 16, 2005

2005-0334s

09/10

Amendment to SB 165-FN

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

AN ACT relative to the collection of debts owed to the state.

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

1 New Subdivision; The State and its Government; Treasurer and Accounts; Collection of Debts Due the State. Amend RSA 6 by inserting after section 43 the following new subdivision:

Collection of Debts Due the State

6:44 Collection of Public Debts by Collection Agencies or Law Firms.

I.(a) State agencies may retain, by written contract, private collection agencies or law firms for the purpose of collecting debts owed to a state agency by any person. The department of justice shall be responsible for the collection function for all state agencies. There is established in the department of justice a separate, nonlapsing account to be known as the debt recovery fund, into which all debts collected under this section shall be deposited. The department of justice may use the account for expenses associated with managing the collection function. Annually, funds deposited in the account, after all costs have been deducted, shall be credited proportionately to the accounts for which they were collected.

(b) Unless otherwise provided for by law, the amount of the collection fee and the terms and conditions of retention shall be negotiated by the department of justice and the private collection agency or law firm, subject to governor and council approval, and the requirements of this subparagraph. The amount of the collection fee as negotiated between the department of justice and the private collection agency or law firm shall be added to the bill of costs to be paid by the debtor and shall not exceed 35 percent of the amount collected.

II. No debt may be assigned to a collection agency or law firm unless:

- (a) There have been at least 3 documented attempts to notify the debtor of the existence of the debt and of the fact that the debt may be assigned to a collection agency or law firm for collection if it is not paid; and
- (b) At least 30 days have elapsed from the last notice attempt.

III. Collection agencies or law firms assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors. The collection agencies or law firms are likewise bound by applicable laws governing unfair collection practices.

IV. For purposes of this section, a private collection agency or law firm shall cease its efforts designed to collect the debt and inform the department of justice and the agency upon the occurrence of any of the following:

- (a) Direction from the department of justice.
- (b) Bankruptcy of the account debtor.
- (c) Determination by the private collection agency or law firm that the debt is non-collectible.
- (d) Upon order of a court having jurisdiction over the debtor in a criminal or civil matter.

V. The attorney general shall submit an annual report, on or before June 30, to the speaker of the house of representatives, the president of the senate, and the chairperson of the house standing committee on executive departments and administration, relative to collection activity under this section. The report shall include, for each account: the relevant agency; the amount to be collected; the amount collected and whether it was collected by a collection agency, law firm, or court action initiated by the department of justice; any expenses incurred; and any amount outstanding.

VI. For purposes of this section, the term "debt" shall include fines and other debts, including the fee required under subparagraph I(b) of this section.

2 New Subparagraph; Debt Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (234) the following new subparagraph:

(235) Moneys deposited in the debt recovery fund, established under RSA 6:44.

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

2005-0334s

AMENDED ANALYSIS

This bill permits state agencies to retain private collection agencies or law firms to collect debts owed to the state. The bill directs the department of justice to deposit funds collected in a dedicated fund, known as the debt management fund, from which recovered funds shall be distributed annually to the appropriate agency. The bill also requires the department to submit an annual report on the collection activity to the legislature.

Amendment failed.

Senator Kenney offered a floor amendment.

Sen. Kenney, Dist. 3

February 24, 2005

2005-0459s

09/05

Floor Amendment to SB 165-FN

Amend the bill by replacing section 4 with the following:

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

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 27-FN, relative to an exemption from the annual inspection of health facilities. Finance Committee. Ought to Pass, Vote 6-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

SB 109-FN, relative to catastrophic special education funding. Finance Committee. Inexpedient to Legislate, Vote 5-2. Senator Boyce for the committee.

MOTION TO TABLE

Senator Clegg moved to have SB 109-FN laid on the table.

Adopted.

LAIID ON THE TABLE

SB 109-FN, relative to catastrophic special education funding.

SB 137-FN-A, relative to the Conway Branch railroad and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Morse for the committee.

Senate Finance
February 17, 2005
2005-0324s
06/01

Amendment to SB 137-FN-A

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

AN ACT relative to the Conway Branch railroad.

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

1 Conway Branch Railroad; Study of Federal Funds Availability. The department of transportation shall research the availability of federal funds to fund the rehabilitation tasks as outlined in the report of the Conway Branch railroad line feasibility study that was conducted pursuant to 2003, 298:4 on the state-owned portion of the Conway Branch rail line. The department may consult with other state and federal agencies, the regional planning agencies, the New Hampshire congressional delegation, and other interested parties. The department shall report the results of the study to the president of the senate, the speaker of the house of representatives, and the governor on or before June 30, 2006.

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

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 162-FN-A, increasing the appropriation to the firemen's relief fund. Finance Committee. Inexpedient to Legislate, Vote 5-1. Senator Clegg for the committee.

MOTION TO TABLE

Senator Clegg moved to have SB 162-FN-A laid on the table.

Adopted.

LAIID ON THE TABLE

SB 162-FN-A, increasing the appropriation to the firemen's relief fund.

SB 14, relative to special school district meetings to vote on tuition contracts. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-1. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

SB 26, requiring identification to obtain a ballot. Internal Affairs Committee. Ought to Pass, Vote 3-2. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Foster moved to have SB 26 laid on the table.

Motion failed.

Senator Flanders moved to recommit.

A division vote was requested.

Yeas: 13 – Nays: 9

Adopted.

SB 26 is recommitted to the Internal Affairs Committee.

SB 52, establishing a study committee to review the state employee incentive and reward program. Internal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Boyce for the committee.

Internal Affairs
February 16, 2005
2005-0341s
05/03

Amendment to SB 52

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

AN ACT establishing the state suggestion and extraordinary service award program.

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

1 Suggestion and Extraordinary Service Award Program. RSA 99-E is repealed and reenacted to read as follows:

CHAPTER 99-E**SUGGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM**

99-E:1 State Suggestion and Extraordinary Service Award Evaluation Committee.

I. There is hereby established a state suggestion and extraordinary service award evaluation committee, the duties of which shall be to:

- (a) Review suggestions made by state employees under this chapter for possible reward or recognition.
- (b) Review extraordinary service by state employees for possible award or recognition.
- (c) Recommend to the governor and executive council the making of monetary awards in accordance with this chapter.

(d) Recommend to the governor and executive council the provision of, or itself provide for, non-monetary recognition of state employees in accordance with this chapter.

II. The state suggestion and extraordinary service award evaluation committee shall consist of:

- (a) The director of personnel, who shall serve as chairperson.
- (b) The commissioner of administrative services, or designee.
- (c) Two state employee members, appointed by the governor, one of whom shall be selected from a list provided by a certified public employee bargaining unit, who shall serve 2-year terms, unless either member ceases to be an employee of the state, in which case his or her term shall automatically expire and a successor shall be appointed for a 2-year term.

(d) One member of the senate, appointed by the senate president, who shall serve a term coterminous with the member's legislative term.

(e) One member of the house of representatives, appointed by the speaker of the house of representatives, who shall serve a term coterminous with the member's legislative term.

III. In addition to such other communications to governor and council as are provided in this chapter, the state suggestion and extraordinary service award evaluation committee shall submit to the governor and council, the speaker of the house of representatives, and the president of the senate an annual report of its

activities, including employees recognized and rewarded and the reasons for recognition or recommended award, together with a list or copy of all proposals submitted to it, whether or not implemented or recommended. The report shall be submitted by October 1 of each year.

IV. State suggestion and extraordinary service award evaluation committee members shall serve without compensation and no member shall participate in making any recommendation that may result in an award or recognition to himself or herself.

99-E:2 Departmental Award Evaluation Committees.

I. Each department, as defined in RSA 21-G:5, VI, shall establish a departmental award evaluation committee, the duty of which shall be to make recommendations for awards and recognition to the state suggestion and extraordinary service award evaluation committee in accordance with this chapter.

II. Each departmental award evaluation committee shall consist of 3 employees of the department, appointed by the commissioner of the department.

III. The term of departmental award evaluation committee members shall be 2 years, unless the member ceases to be an employee of the department or is replaced by the appointing commissioner, in which case his or her term shall automatically expire and a successor shall be appointed for a 2-year term. Departmental award evaluation committee members shall serve without compensation and no member shall participate in making any recommendation that may result in an award or recognition to himself or herself.

IV. In addition to such other communications to the state suggestion and extraordinary service award evaluation committee as are provided in this chapter, departmental award evaluation committees shall, by August 1 of each year, submit to the state suggestion and extraordinary service award evaluation committee a list of all award submissions or nominations received within the department in the preceding calendar year, whether or not still pending, with the date of receipt, the name of the person making the submission, the name of the person making the suggestion or performing the service, and a description of the submission or nomination and its status.

99-E:3 Eligible Employees. State employees eligible for awards or recognition under this chapter shall be classified executive branch employees.

99-E:4 Submission and Evaluation Procedures.

I. Any person wishing to submit a suggestion for consideration under the suggestion and extraordinary service award program, or wishing to nominate a state employee for a suggestion or extraordinary service award, shall do so by submitting a written submission or nomination to the award evaluation committee in the department in which the nominee or person making the suggestion is employed.

II. The written submission or nomination shall include at least the following information:

- (a) The name of the person who made the suggestion or performed the service.
- (b) The job title or position of the person who made the suggestion or performed the service.
- (c) The department, division, section, and office, if any, in which the person making the suggestion or performing the service is employed.
- (d) The name of the immediate supervisor of the person making the suggestion or performing the service.
- (e) The name, job title, and department of the person making the submission or nomination, if that person is someone other than the person who made the suggestion or performed the service.
- (f) A detailed description of the suggestion or the service performed.
- (g) If the submission or nomination involves a suggestion made by an employee:
 - (1) The approximate date that the suggestion was first made.
 - (2) The person to whom the suggestion has been conveyed.
 - (3) Whether or not the suggestion has been implemented and, if so, a description of the results of such implementation, including any savings realized or revenue generated and the method of calculation thereof.

(h) If the person making the submission or nomination is someone other than the person who made the suggestion or performed the service, whether the person who made the suggestion or performed the service is being recommended for a monetary award or for non-monetary recognition.

(i) Whether or not the suggestion or service is one for which the employee has been nominated for, or has received, some other form of award, and the nature or amount of the award received.

(j) The date and time of the filing of the submission or nomination.

III. Employees may jointly submit one submission or nomination, and may be jointly nominated for an award or recognition, provided that the submission or nomination clearly states that it is a joint submission.

IV. If the same suggestion or service nomination is submitted more than once, the first submission or nomination relating to the suggestion or service that is received by the departmental award evaluation committee shall be the submission or suggestion considered for an award or recognition, unless the committee making the determination, in its discretion, concludes that consideration of the first submission or nomination would result in significant injustice.

V. Within 60 days of receiving a submission or nomination, a departmental award evaluation committee shall inform the person submitting the nomination or suggestion, in writing:

(a) Whether or not the committee recommends an award or recognition; or

(b) That additional time is required for the committee to make its determination, specifying the amount of time required; and/or

(c) That additional information is needed. If additional information is needed, the committee shall specify the information required and, unless the additional information relates to the implementation of a suggestion under RSA 99-E: 5, III, shall specify the date by which the information is to be provided. If the additional information is not received by the date specified, or any extended period of time allowed by the committee, the committee may decline to recommend the issuance of any award or recognition.

VI. Upon reaching a conclusion on a submission or nomination, or after failing to receive additional information in response to a request, a departmental award evaluation committee shall forward a copy of its recommendation to the state suggestion and extraordinary service award evaluation committee, with a complete copy of all documents contained in the award nomination file, including, at a minimum, those specified in paragraph XII. If the final determination is that an award or recognition is recommended, the departmental award evaluation committee shall include in its determination the amount or nature of the monetary award or non-monetary recognition recommended.

VII. The state suggestion and extraordinary service award evaluation committee shall, within 60 days of receiving a determination from a departmental award evaluation committee, if any, or within 60 days of receiving a submission or nomination from another person, indicate in writing, with a copy to the person making the submission or nomination and the departmental award evaluation committee, if any, whether or not it concurs with the determination of the departmental award evaluation committee and:

(a) If it recommends an award or recognition, the nature or amount of the award or recognition recommended; or

(b) If it does not recommend an award or recognition, the reason therefor, which may include reliance upon the determination of any departmental award evaluation committee; or

(c) If it believes that the suggestion or nomination should be forwarded to the governor and council without determination or recommendation in accordance with paragraph IX, that the submission or nomination will be so forwarded; or

(d) If it believes that additional time is required for the committee to make its determination, the amount of additional time required to make the determination; or

(e) If it believes that additional information is needed, a specification of the information required and, unless the additional information relates to the implementation of a suggestion under RSA 99-E: 5, III, the date by which the information is to be provided. Unless otherwise specified, any additional information requested by the committee shall be gathered by the committee that forwarded the determination for review,

or if no lower level committee has forwarded the determination for review, by the person making the submission or nomination to the committee. If the additional information is not received by the date specified, or any extended period of time allowed by the committee, the committee may decline to recommend the issuance of any award or recognition.

VIII. Final written determinations of the state suggestion and extraordinary service award evaluation committee that recommend a monetary award or that recommend recognition by the governor and council shall be forwarded to the governor and council within 30 days of issuance.

IX. The state suggestion and extraordinary service award evaluation committee may, in the alternative to either recommending or declining to recommend a submission or nomination for award or recognition, or as an alternative to requesting additional information, forward the submission or nomination to the governor and council without determination or recommendation, with a complete copy of all documents contained in the award nomination file and a written explanation of the reasons why the committee has either not recommended, declined to recommend, or requested additional information. The governor, with the consent of council, shall take such action, if any, on the nomination or submission that they, within their discretion, deem appropriate.

X. If the state suggestion and extraordinary service award evaluation committee, in its discretion, concludes that a suggestion that has been successfully implemented in a single department, division, office, or other subdivision of the state may result in additional benefit if implemented on a larger scale, the committee may so state in its submission to the governor and executive council. In such a case, an employee may, on one additional occasion, be considered for further or additional award or recognition for the suggestion.

XI. Any person believing that there is good cause for not submitting a submission or nomination to the departmental award evaluation committee may submit his or her submission or nomination to the state suggestion and extraordinary service award evaluation committee. The state committee shall determine whether, in its discretion, it believes that there is good cause for not submitting the submission or nomination to the lower-level committee. If such good cause is found, the state suggestion and extraordinary service award evaluation committee shall consider the submission or nomination in the first instance. If such good cause is not found, the committee shall refer the matter to the lower-level committee for initial determination.

XII. An award evaluation committee shall include in its file relative to a suggestion or nomination at least the following:

- (a) The original written submission or nomination.
- (b) All recommendations of award evaluation committees relative to the submission or nomination.
- (c) Any calculations as to savings or increase in revenue, or other information, which the committee believes may be of assistance in determining the appropriate nature or amount of award, if any.

XIII. Files of award committees and documents contained therein shall not be deemed to be public documents or records within the meaning of, or subject to disclosure under, RSA 91-A, and meetings of award evaluation committees shall not be subject to the public meeting requirements of RSA 91-A, provided, however, that final written determinations and recommendations of award committees shall be subject to disclosure under RSA 91-A to the extent that such documents do not contain otherwise privileged or confidential information.

99-E:5 Suggestion Award Standard.

I. A departmental award evaluation committee shall recommend such monetary or non-monetary recognition as it, within its discretion, concludes is appropriate for original suggestions that the committee concludes may, if implemented, accomplish any of the following:

- (a) Improve government cost savings.
- (b) Improve government efficiency.
- (c) Increase revenue to the state by a means other than the establishment of a new, or an increase in an existing, tax.

II. The state suggestion and extraordinary service award evaluation committee shall recommend to the governor and council such monetary awards as it, within its discretion, concludes are appropriate for original suggestions that may, if implemented, accomplish the ends specified in paragraph I. The state suggestion and extraordinary service award evaluation committee shall either recommend to the governor and

council such non-monetary recognition as the committee, within its discretion, believes is appropriate for original suggestions that, if implemented, may accomplish the ends specified in paragraph I, or itself issue such non-monetary recognition.

III. Prior to making a recommendation for award, or recommending or issuing non-monetary recognition, either a departmental award evaluation committee or the state suggestion and extraordinary service award evaluation committee may recommend that a suggestion be implemented and may defer its determination pending receipt of information relative to that implementation. If a suggestion has been implemented prior to the time that it has been submitted or nominated for award, the committee may defer its determination relative to award pending receipt of information on the success of such implementation, including, if applicable, the amount of any savings or revenue realized and the method of calculation. If the state suggestion and extraordinary service award evaluation committee concludes, in its discretion, that it is appropriate to do so, that committee may recommend or suggest implementation of a suggestion in units beyond those in which implementation has been accomplished or suggested and may, in its discretion, defer its determination relative to award pending receipt of information relative to that implementation.

IV. A suggestion shall not be eligible for award or recognition if the award evaluation committee determines, in its discretion, that the suggestion:

(a) Is of the type that is expected to be made as part of the employee's regularly-assigned duties or job responsibilities;

(b) Was under consideration by the state prior to the time that the suggestion was made by the employee;

(c) Was previously made by another individual, whether or not previously submitted to an award evaluation committee; or

(d) Except as provided in RSA 99-E:4, X, is one for which the employee has previously been nominated for, or has received, a monetary award from the state under this chapter or its predecessor chapters.

99-E:6 Extraordinary Service Award Standard.

I. A departmental award evaluation committee shall recommend such monetary or non-monetary recognition as it, within its discretion, concludes is appropriate for extraordinary service in the interest of the state that is either:

(a) Outside of or beyond the scope of an employee's regular job responsibilities or functions and involves circumstances where only immediate action by the employee could avoid or avert probable harm to an individual, to property, or to the financial interests of the state; or

(b) Within the scope of an employee's regular job responsibilities or functions and involved the demonstration of abilities or efforts greatly above and beyond any standard of performance expected of the employee.

II. The state suggestion and extraordinary service award evaluation committee shall recommend to the governor and council such monetary awards as it, within its discretion, concludes are appropriate for extraordinary service that meets the criteria of paragraph I. The state suggestion and extraordinary service award evaluation committee shall either recommend to the governor and council such non-monetary recognition as the committee, within its discretion, concludes is appropriate for service that meets the criteria of paragraph I, or itself issue appropriate non-monetary recognition for such service.

99-E:7 Amount of Monetary Awards.

I. The amount of any monetary award recommended by a committee in regard to any one suggestion or service shall not be greater than \$10,000.

II. If an award evaluation committee determines, in its discretion, that an appropriate measure of award would be the amount of any savings or increase in revenue realized by the state as the result of a service performed by an employee, or as the result of a suggestion which has been implemented, the amount of a monetary award recommended by the committee may not exceed 10 percent of the amount of the savings or increase in revenue to the state during the first fiscal year of the implementation of the suggestion, or the fiscal year in which the service was performed, nor may it exceed the amount of \$10,000.

III. If a monetary award is issued by the governor and council based upon the amount of savings or increase under paragraph II, an amount equal to the monetary award may, in the discretion of the governor and council, be paid from the budget of the specific department or the departments believed to have received the benefit of the suggestion or service during the first fiscal year of implementation of a suggestion, or during the fiscal year in which the service was performed. Any remaining savings or increases resulting from the suggestion or service shall lapse to the general fund. If the unit from which the award is paid is self-funding, the award shall be paid from the unit's operating budget. The commissioner of a department from which an award is to be paid under this paragraph, shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

IV. If a suggestion which has previously been submitted or nominated for award is again submitted or nominated under RSA 99-E:4, X as the result of larger-scale implementation, the amount of any additional monetary award recommended shall be in such amount as the committee, in its discretion, believes is proper, but shall not, in any event, exceed \$5,000.

V. The total amount of monetary awards recommended by the state suggestion and extraordinary service award evaluation committee between October 1 of one year and September 30 of the following year shall not exceed \$25,000.

VI. There is hereby established in the office of the governor a special fund in the amount of \$25,000, which shall be used for employee suggestion and extraordinary service awards, if any. If the entire appropriation is not used for employee suggestion and extraordinary service awards in any fiscal year, the amount appropriated for the fund in the next fiscal year shall be only such amount as is necessary to bring the total amount of the fund to \$25,000.

VII. This chapter shall not be construed to limit the availability of any employee award or recognition not arising pursuant to this chapter

VIII. The governor, with the consent of council, is hereby authorized to draw a warrant for monetary awards under this chapter out of any money contained in the fund established under paragraph VI. The governor and council shall not approve expenditures from the fund in excess of \$25,000 in any fiscal year, shall not issue any single award in excess of the amount indicated in paragraph I, or, in case of additional awards under paragraph IV, shall not issue any award in excess of the amount set forth in paragraph IV. In issuing awards or recognition, the governor and council shall not be limited by any recommendation of the state suggestion and extraordinary service award evaluation committee. The decision of whether to issue a monetary award for suggestions and services under this chapter, and the amount thereof, if any, shall, with the foregoing limitations, be solely within the discretion of the governor and council.

IX. Award evaluation committees recommending monetary awards may consider, but shall not be required to make recommendations according to, the following suggested ranges of award for the following types of suggestions or services:

(a) For suggestions to improve government cost savings, \$500 to \$2,500, or a percentage of the amount of savings as specified under paragraph II.

(b) For suggestions to improve government efficiency, \$250 to \$1,500, or a percentage of the amount of savings or revenue increase as specified under paragraph II.

(c) For suggestions to increase revenue to the state by a means other than the establishment of a new, or an increase in an existing, tax, \$250 to \$1,500 or a percentage of the amount of increase as specified under subparagraph II.

(d) For services outside of or beyond the scope of an employee's regular job responsibilities or functions involving circumstances where only immediate action by the employee could avoid or avert probable harm to an individual, to property, or to the financial interests of the state, \$500 to \$2,500, or a percentage of the amount of increase or savings as specified under subparagraph II above.

(e) For services within the scope of an employee's regular job responsibilities or functions involving the demonstration of abilities or efforts greatly above and beyond any standard of performance expected of the employee, \$250 to \$1,500 or a percentage of the amount of increase or savings as specified under subparagraph II above.

99-E:8 Nonmonetary Recognition. A departmental award evaluation committee may, in its discretion, recommend, and the state suggestion and extraordinary service award evaluation committee may, in its

discretion, issue or recommend, non-monetary recognition in lieu of, or in addition to, recommending a monetary award under this chapter. Non-monetary recognition shall be in such form as the committee, in its discretion, believes is appropriate for the service rendered or suggestion made.

99-E:9 No Entitlement To Award.

I. This chapter shall not be construed to confer any procedural or substantive rights upon persons submitting nominations or submissions, or persons making suggestions or rendering services, and no person shall have any right or vested right whatsoever to any award or recognition under this chapter. Whether or not to recommend any award or to recommend or issue any recognition shall be solely within the discretion of the award evaluation committee or other entity charged under this chapter with the making of award or recognition determinations, or charged with issuing the same.

II. Assessments of submissions and nominations by award evaluation committees shall not be subject to the provisions of RSA 541-A:29 and determinations of award evaluation committees shall not be subject to the institution of adjudicative proceedings under RSA 541-A:31.

99-E:10 Filings Not Required. Members of the state suggestion and extraordinary service award evaluation committee, and members of any departmental award evaluation committee, shall not, unless otherwise required by virtue of another position held by the member, be subject to the financial reporting requirements of RSA 21-G:5-a.

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

2005-0341s

AMENDED ANALYSIS

This bill establishes a state suggestion and extraordinary service award program for classified state employees. The bill replaces former RSA 99-E, relative to suggestion and incentive awards for state employees.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 174, relative to itemizing indirect collective bargaining costs on budget warrant articles. Internal Affairs Committee. Inexpedient to Legislate, Vote 6-0. Senator Larsen for the committee.

Committee report of inexpedient to legislate is adopted.

SB 204, relative to party columns on ballots. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-2. Senator Boyce for the committee.

The question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 16 - Nays: 7

Committee report of inexpedient to legislate is adopted.

SB 218, eliminating straight ticket voting. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-2. Senator Bragdon for the committee.

The question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Estabrook.

Seconded by Senator Larsen.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Martel, Letourneau, Morse.

The following Senators voted No: Green, Gottesman, Foster, Larsen, Gatsas, Barnes, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 13 - Nays: 10

Committee report of inexpedient to legislate is adopted.

SB 159, relative to verbal identification by public officials and employees. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Green for the committee.

Senator Green moved to recommit.

Motion failed.

A division vote was requested.

Yeas: 8 - Nays: 14

Motion failed.

The question is on the committee report of inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

SB 182-FN, relative to electronic issuance of warrants. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 20-FN, relative to an increase in lottery ticket prices. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

The question is on the motion of ought to pass.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Clegg, Larsen, Barnes, Martel, Letourneau, D'Allesandro, Morse, Hassan.

The following Senators voted No: Green, Foster, Gatsas, Estabrook, Fuller Clark.

Yeas: 18 - Nays: 5

Adopted.

Ordered to third reading.

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund. Ways and Means Committee. Ought to pass with amendment, Vote 4-1. Senator D'Allesandro for the committee.

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February 16, 2005
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Amendment to SB 36-FN

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

AN ACT assessing a fee on all cats vaccinated against rabies to be deposited in the companion animal neutering fund.

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

1 Duties of Veterinarians; Fee Collection. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian.

I. It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination in triplicate which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and herding or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

II. A veterinarian shall collect a \$2 fee for every cat that he or she vaccinates against rabies. This fee shall be paid to the commissioner, who shall deposit it in the companion animal neutering fund established under RSA 437-A:4-a.

2 New Fee Assessed. Amend RSA 436:103 to read as follows:

436:103 Cost. The cost of rabies vaccination **and any associated fee** shall be paid by the owner of the dog, cat, or ferret.

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

2005-0336s

AMENDED ANALYSIS

This bill assesses a fee on the vaccination of cats to be deposited in the companion animal neutering fund.

Amendment failed.

The question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

SB 62-FN, allowing court fees to be paid by credit card. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 87, relative to extension of tax liens by the department of revenue administration. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to third reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION**Third Reading and Final Passage**

SB 20-FN, relative to an increase in lottery ticket prices.

SB 27-FN, relative to an exemption from the annual inspection of health facilities.

SB 36-FN, assessing a fee on all dogs and cats sold at retail that are not sexually sterilized, to be deposited in the companion animal neutering fund.

SB 52, establishing the state suggestion and extraordinary service award program.

SB 55, relative to the New Hampshire film and television commission and state promotional initiatives.

SB 57, establishing a commission to study ways to alleviate medical malpractice premiums for high risk specialties.

SB 87, relative to extension of tax liens by the department of revenue administration.

SB 137-FN-A, relative to the Conway Branch railroad.

SB 153-FN, relative to the administration of certain programs by the department of environmental services.

SB 165-FN, relative to the collection of tax debts from out-of-state debtors.

SB 182-FN, relative to electronic issuance of warrants.

ANNOUNCEMENTS

Senator Kenney (Rule #44).

Senator D'Allesandro (Rule #44).

Senator Green (Rule #44).

Senator Letourneau (Rule #44).

Senator Barnes (Rule #44).

Senator Kenney (Rule #44).

Senator Gatsas (Rule #44).

Senator Fuller Clark (Rule #44).

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the purpose of introducing legislation, receiving messages and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.