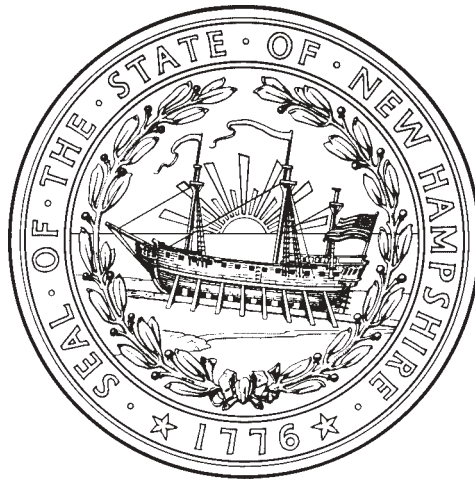


May 3, 2006
Nos. 12 - 13

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 20, 2006 SESSION
COMMENCEMENT – MAY 3, 2006 SESSION

SENATE JOURNAL 12 (*Cont.*)

April 20, 2006

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 233, relative to motorcycle rider education.

SB 234, including the International Residential Code 2000 in the definition of the state building code.

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision, and relative to examinations of electricians by the electricians' board.

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge.

SB 260, relative to certification of a registered nurse responsible for emergency medical transportation.

SB 342, relative to the treatment of glaucoma by optometrists.

SB 357-FN, relative to eligibility for motorcycle licenses.

SB 404, relative to retirement benefits, service credits, and administration of the Manchester employees' contributory retirement system.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 288-FN, relative to street rods.

SB 302-FN, relative to real estate brokers.

SB 317-FN, establishing a screening panel to review complaints to occupational and professional regulatory boards and establishing an appeals board to review decisions by occupational and professional regulatory boards.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 337, relative to the sale and repurchase of property acquired by tax deed.

SB 353-FN, relative to registration of criminal offenders convicted of homicide.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 324, requiring notification concerning certain offenders against children.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.

HB 1108, relative to the transfer of funds among PAU's within a department and relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and extending the appropriation therefor.

HB 1228-FN, relative to the sale or lease of state-owned real estate and relative to penalties under the real estate practice act.

HB 1294, relative to antique snowmobiles.

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents.

HB 1420-FN, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 317-FN, relative to mooring fees.

HB 345, requiring photo identification to obtain a ballot.

HB 624-FN, relative to penalties in certain health and health-related professions.

HB 1135, making a technical correction to the Uniform Interstate Family Support Act.

HB 1173, relative to designating the clerk in cities the chief elections officer for the city.

HB 1189, relative to audits by the legislative budget assistant.

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities.

HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge.

HB 1324, relative to the commission to study the state park system.

HB 1356, relative to on-board diagnostic system inspections.

HB 1361, relative to the penalty for shoplifting.

HB 1465-FN, relative to food stamp overpayments.

HB 1487, relative to marriage licenses.

HB 1584, relative to cemetery setbacks and septic systems.

HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles.

SB 332, making technical corrections to the uniform trust code and related statutes.

SB 395, relative to the number of children in a licensed foster home.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 1420-FN, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.

SB 357-FN, relative to eligibility for motorcycle licenses.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 13

May 3, 2006

The Senate met at 10:00 a.m.

A quorum was present.

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

As life shakes us, rattles us and rolls us, O God, hold us steady, with feet resolutely planted upon the firm foundation of Your desire and Your love and Your mysterious companionship, for then we can build safely and with confident exuberance.
Amen

Senator Clegg led the Pledge of Allegiance.

Senator D'Allesandro is excused for the day.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 24, relative to disposition upon death of patient accounts in nursing homes.

SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

SB 255, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire.

SB 265, relative to workers' compensation requirements for out-of-state employers and employees.

SB 273, relative to reasonable accommodations for employees with disabilities.

SB 318-FN, relative to the use of deadly force to protect oneself.

SB 335, relative to funds of the department of resources and economic development used for snowmobile trail grooming equipment.

SB 348, prohibiting the taking of arms and ammunition in a declared state of emergency.

SB 369, relative to portability, availability, and renewability of health coverage.

SB 370-FN, relative to multidisciplinary child protection teams.

SB 382, relative to the guardian ad litem board.

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 253, relative to enforcement of support orders for college and postsecondary educational expenses.

SB 267, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

SB 355-FN, relative to unlawful possession of alcohol by a minor.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

CACR 44, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use.

SB 26, requiring identification to obtain a ballot.

SB 230, relative to the qualifications and liability of the medical director responsible for utilization review under the managed care law.

SB 241, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption.

SB 242, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate.

SB 271, relative to the availability of voter checklist information.

SB 298-FN, relative to motor vehicle fines.

SB 314-FN-L, establishing minimum renewable standards for energy portfolios.

SB 345, relative to lobbyist registration requirements.

SB 351-FN, declaring drowning as cruelty to animals.

SB 398-FN, relative to political contributions and expenditures.

SUSPENSION OF THE RULES

Senator Clegg moved that we suspend all rules necessary to allow the consideration of HB 2006 10-year Highway Plan to be taken up at the next regular session.

Adopted by the necessary 2/3 vote.

COMMITTEE REPORTS

HB 627-FN, relative to including persons 17 years old in the juvenile justice system. Finance Committee. Ought to Pass, Vote 8-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 645-FN, relative to fire-safer cigarettes. Finance Committee. Ought to pass with amendment, Vote 6-2. Senator Morse for the committee.

Sen. Morse, Dist. 22

April 24, 2006

2006-1979s

05/04

Amendment to HB 645-FN

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

AN ACT relative to reduced cigarette ignition propensity.

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

339-F:1 Definitions. In this chapter:

I. "Agent" means any person licensed by the department of revenue administration to purchase and affix adhesive or meter stamps on packages of cigarettes.

II. "Cigarette" means any roll for smoking made wholly or in part of tobacco, and wrapped in any material except tobacco.

III. "Commissioner" means the commissioner of safety.

IV. "Manufacturer" means:

(a) Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in the state, including cigarettes intended to be sold in the United States through an importer; or

(b) The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(c) Any entity which becomes a successor of an entity described in subparagraph (a) or (b).

V. "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

VI. "Retailer" means any person who sells tobacco products to consumers, and any vending machine in which tobacco products are sold.

VII. "Sale" or "sell" means any transfer, whether by bargain, gift, exchange, barter, or otherwise.

VIII. "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment related problems do not affect the results of the testing. This program ensures that the testing repeatability remains within the required repeatability values stated in RSA 339-F:3, V for all test trials used to certify cigarettes in accordance with this chapter.

IX. "Vending machine operator" means any person operating one or more tobacco vending machines on property or premises other than his or her own.

X. "Wholesaler" means any person doing business in this state who shall purchase all of his or her unstamped tobacco products directly from a licensed manufacturer, and who shall sell all of his or her products to licensed wholesalers, subjobbers, vending machine operators, retailers, and those persons exempt from the tobacco tax under RSA 78:7-b.

339-F:2 General Requirements.

I. On and after October 1, 2007, no cigarettes shall be sold or offered for sale in this state unless:

(a) The cigarettes have been tested in accordance with the test method prescribed in RSA 339-F:3.

(b) The cigarettes meet the performance standard specified in RSA 339-F:4.

(c) A written certification has been filed by the manufacturer with the commissioner and the New Hampshire department of justice in accordance with RSA 339-F:6.

(d) The cigarettes are marked in accordance with RSA 339-F:8.

II. Nothing in this chapter shall prohibit wholesalers or retailers from selling their inventory of cigarettes existing on October 1, 2007, provided that such wholesaler or retailer can establish that tax stamps were affixed to such cigarettes pursuant to RSA 78 prior to October 1, 2007, and provided further that such wholesaler or retailer can establish that such inventory was purchased prior to October 1, 2007 in comparable quantity to the inventory purchased during the same 12-month period of the prior year.

III. Consistent with RSA 78:14-a, nothing in this chapter shall be construed to prohibit any person or entity from selling or offering for sale cigarettes that have not been certified by the manufacturer in accordance with RSA 339-F:6 if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States.

IV. No person shall sell tobacco products through a vending machine in violation of this chapter.

339-F:3 Test Method.

I. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials ("ASTM") standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes." The commissioner may adopt a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04 and the performance standard in RSA 339-F:4.

II. Testing shall be conducted on 10 layers of filter paper.

III. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

IV. The performance standard required by RSA 339-F:4 shall only be applied to a complete test trial.

V. Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19 pursuant to RSA 339-F:4.

VI. This section does not require additional testing if cigarettes are tested consistent with this chapter for any other purpose.

339-F:4 Performance Standard.

I. When tested in accordance with RSA 339-F:3, no more than 25 percent of the cigarettes tested in a test trial shall exhibit full length burns.

II. Each cigarette listed in a certification submitted pursuant to RSA 339-F:6 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in paragraph I shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for non-filtered cigarettes.

III. The manufacturer of a cigarette that the commissioner determines cannot be tested in accordance with the test method prescribed in RSA 339-F:3 shall propose a test method and performance standard for such cigarette to the commissioner. Upon approval of the proposed test method and a determination by the commissioner that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in paragraph I, the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to RSA 339-F:6. If another state has enacted reduced cigarette ignition propensity standards, or similar requirements, that include a test method and performance standard for cigarettes, and if officials responsible for implementing those requirements have approved a manufacturer's proposed alternative test method and performance standard for a particular cigarette under a legal provision comparable to this paragraph, that manufacturer may employ that alternative test method and performance standard to certify that cigarette in this state, provided that the manufacturer obtains the approval of the commissioner, which shall not be unreasonably withheld. All other applicable requirements of this chapter shall apply to such manufacturer.

IV. This chapter shall be implemented in accordance with the substance of the New York Fire Safety Standards for Cigarettes, as amended.

339-F:5 Test Data. In order to ensure compliance with the performance standard specified in RSA 339-F:4, data from testing conducted by manufacturers to comply with this performance standard shall be kept on file by such manufacturers for a period of 3 years and shall be sent to the commissioner upon its request and to the department of justice upon its request.

RSA 339-F:6 Certification.

I. Each manufacturer shall submit a written certification attesting that each cigarette listed in the certification has been tested in accordance with RSA 339-F:3 and meets the performance standard set forth in RSA 339-F:4.

II. Each cigarette listed in the certification shall be described with the following information:

- (a) Brand (i.e., the trade name on the package).
- (b) Style (i.e., light, ultra light).
- (c) Length in millimeters.
- (d) Circumference in millimeters.
- (e) Flavor (i.e., menthol, chocolate), if applicable.
- (f) Filter or non-filter.
- (g) Package description (i.e., soft pack, box).
- (h) Marking approved in accordance with RSA 339-F:8.

III. Each cigarette certified under this section shall be re-certified every 3 years.

339-F:7 Notification of Certification. Manufacturers certifying cigarettes in accordance with RSA 339-F:6 shall provide a copy of such certifications to all wholesalers and agents to which they sell cigarettes and also shall provide sufficient copies of an illustration of the cigarette packaging marking utilized by the manufacturer pursuant to RSA 339-F:8 for each retailer to which the wholesalers and agents sell cigarettes. Wholesalers and agents shall provide a copy of these cigarette packaging markings received from manufacturers to all retailers to which they sell cigarettes. Wholesalers, agents, and retailers shall permit the commissioner, the commissioner's designee, any law enforcement official, any fire chief, or any fire chief's designee to inspect markings of cigarette packaging marked in accordance with RSA 339-F:8.

339-F:8 Marking of Cigarette Packaging.

I. Cigarettes which have been certified by a manufacturer in accordance with RSA 339-F:6 shall be marked to indicate compliance with the requirements of this chapter. Such marking shall be in 8 point type or larger and consist of :

(a) Modification of the UPC to include a visible mark printed at or around the area of the UPC. Such mark may consist of alphanumeric or symbolic character permanently stamped, engraved, embossed, or printed in conjunction with the UPC.

(b) Any visible combination of alphanumeric or symbolic character permanently stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or

(c) Printed, stamped, engraved, or embossed text that indicates that the cigarettes meet the standards of this chapter.

II. A manufacturer shall use only one marking, and shall apply this marking uniformly for all packages, including but not limited to packs, cartons, and cases, and brands marketed by that manufacturer.

III. The manufacturer shall notify the commissioner of the selected marking.

IV. Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the commissioner for approval. Upon receipt of the request, the commissioner shall approve or disapprove the marking offered. A marking in use and approved for the sale of cigarettes in the state of New York shall be deemed approved. Proposed markings shall be deemed approved if the commissioner fails to act within 10 business days of receiving a request for approval.

V. No manufacturer shall modify its approved marking unless the modification has been approved by the commissioner in accordance with this section.

339-F:9 Penalties.

I. Any wholesaler, agent, or other person or entity who knowingly sells cigarettes wholesale in violation of RSA 339-F:2, I(c) shall be subject to a civil penalty not to exceed \$10,000 for each sale. Any retailer who knowingly sells cigarettes in violation of RSA 339-F:2 shall be subject to the following:

(a) A civil penalty not to exceed \$500 for each sale or offer for sale of such cigarettes if the total number of cigarettes sold or offered for sale in such sale does not exceed 1,000 cigarettes.

(b) A civil penalty not to exceed \$1,000 for each sale or offer for sale of such cigarettes if the total number of cigarettes sold or offered for sale in such sale exceeds 1,000 cigarettes.

II. In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to RSA 339-F:6 shall be subject to a civil penalty not to exceed \$10,000 for each such false certification.

III. Notwithstanding RSA 617, any cigarette sold, offered for sale, or possessed for sale in this state, in violation of RSA 339-F:2 shall be contraband under RSA 78:16 and shall be subject to seizure and forfeiture. All cigarettes seized and forfeited shall be destroyed and not resold.

339-F:10 Enforcement. To enforce the provisions of this chapter, the department of justice may bring an action on behalf of the people of this state to enjoin acts in violation of this chapter and to recover civil penalties authorized under RSA 339-F:9.

339-F:11 Administration. The commissioner shall be responsible for administering the provisions of this chapter.

2 Preemption. This act shall be repealed if federal fire safety standards for cigarettes that preempt this act are enacted and take effect after October 1, 2007 and the commissioner so notifies the secretary of state and director of legislative services.

3 Effective Date. This act shall take effect October 1, 2007.

Amendment adopted.

Senator Morse offered a floor amendment.

Sen. Morse, Dist. 22
May 3, 2006
2006-2158s
04/10

Floor Amendment to HB 645-FN

Amend the bill by inserting the following section heading and chapter heading immediately preceding RSA 339-F:1:

1 New Chapter; Reduced Cigarette Ignition Propensity. Amend RSA by inserting after chapter 339-E the following new chapter:

CHAPTER 339-F

REDUCED CIGARETTE IGNITION PROPENSITY

Amend RSA 339-F:7 as inserted by section 1 of the bill by replacing it with the following:

339-F:7 Notification of Certification. Manufacturers certifying cigarettes in accordance with RSA 339-F:6 shall provide a copy of such certifications to all wholesalers and agents to which they sell cigarettes and also shall provide sufficient copies of an illustration of the cigarette packaging marking utilized by the manufacturer pursuant to RSA 339-F:8 for each retailer to which the wholesalers and agents sell cigarettes. Wholesalers and agents shall provide a copy of these cigarette packaging markings received from manufacturers to all retailers to which they sell cigarettes. Wholesalers and agents shall permit the commissioner or the commissioner's designee to inspect markings of cigarette packaging marked in accordance with RSA 339-F:8. Retailers shall permit the commissioner, the commissioner's designee, any law enforcement official, or any fire chief or fire chief's designee, to inspect markings of cigarette packaging marked in accordance with RSA 339-F:8.

2006-2158s

AMENDED ANALYSIS

This bill requires the department of safety to adopt rules establishing standards for reduced cigarette ignition propensity. The bill prohibits the sale of cigarettes that do not meet these standards and authorizes the department of justice to assess civil penalties for noncompliance.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. Finance Committee. Ought to Pass, Vote 8-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 1167-FN-A, making an appropriation to the land and community heritage investment program. Finance Committee. Ought to pass with amendment, Vote 5-3. Senator Morse for the committee.

Senate Finance
April 25, 2006
2006-2012s
10/04

Amendment to HB 1167-FN-A

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

AN ACT relative to the department of transportation pilot program for effective investment of state highway mitigation funds.

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

1 Pilot Program; Authority Expanded. Amend 2005, 177:61 to read as follows:

177:61 Pilot Program; Department of Transportation and Land and Community Heritage Investment Program.

I. The general court hereby establishes a 2-year pilot program to ensure the most cost effective investment of state highway mitigation funds for purposes of natural, cultural, and historical resource conservation, consistent with the ~~[land and community investment program under RSA 227-M]~~ **permanent protection of these resources and their long-term stewardship.**

II. A committee is established to advise on the establishment of ~~[a partnership]~~ **partnerships** between the department of transportation and ~~[the land and community heritage investment program board]~~ **organizations engaged in the acquisition or stewardship of lands, and natural, cultural, and historical resources, or interests therein, of local, regional, and statewide significance**, for the administration of the pilot program. The committee shall consist of the commissioner of transportation, the executive director of the land and community heritage investment authority, 2 senators appointed by the senate president, and 2 house members, appointed by the speaker of the house of representatives.

III. Duties of the committee shall include, but not be limited to, the following:

(a) Recommending a process by which funding decisions shall be made jointly by the commissioner of transportation and the ~~[land and community heritage investment program board]~~ **partner organizations.**

(b) Making recommendations on the establishment of a permanent program for the investment of state mitigation funds using a joint partnership between the department of transportation and the ~~[land and community heritage investment program board]~~ **partner organizations.**

IV. The first meeting of the committee shall be convened within 45 days of the effective date of this act. The first meeting shall be called by the executive director of the land and community investment ~~[program]~~ **authority** board.

V. The committee shall report its recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before November 1, 2006.

VI. The commissioner of transportation ~~[and the land and community heritage investment program board]~~ shall, for the biennium ending June 30, 2007, use \$3,500,000 of funds **for mitigating highway construction impacts** currently available to the department of transportation for purposes of this pilot program, consistent with federal regulations.

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

2006-2012s

AMENDED ANALYSIS

This bill authorizes the department of transportation to include organizations engaged in the acquisition or stewardship of lands, and natural, cultural, and historical resources, in the pilot program for the effective investment of state highway mitigation funds.

Amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

May 3, 2006

2006-2169s

06/09

Floor Amendment to HB 1167-FN-A

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

AN ACT relative to the department of transportation pilot program for effective investment of state highway mitigation funds and making an appropriation to the land and community heritage investment program.

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

2 Appropriation; Land and Community Heritage Investment Program; Fiscal Year Ending June 30, 2006. The sum of \$250,000 is hereby appropriated to the land and community heritage investment program for the fiscal year ending June 30, 2006. This appropriation is in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Appropriation; Land and Community Heritage Investment Program; Fiscal Year Ending June 30, 2007. The sum of \$250,000 is hereby appropriated to the land and community heritage investment program for the fiscal year ending June 30, 2007. This appropriation is in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2006.

2006-2169s

AMENDED ANALYSIS

This bill:

I. Authorizes the department of transportation to include organizations engaged in the acquisition or stewardship of lands and natural, cultural, and historical resources in the pilot program for the effective investment of state highway funds.

II. Makes an appropriation to the land and community heritage investment program for fiscal years 2006 and 2007.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

The following Senators voted Yes: Johnson, Burling, Green, Flanders, Odell, Roberge, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Boyce, Eaton, Morse.

Yeas: 18 - Nays: 5

Floor amendment adopted.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

Sen. Burling, Dist. 5

Sen. Gottesman, Dist. 12

Sen. Foster, Dist. 13

Sen. Larsen, Dist. 15

Sen. Estabrook, Dist. 21

Sen. Hassan, Dist. 23

May 3, 2006

2006-2168s

06/09

Floor Amendment to HB 1167-FN-A

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

AN ACT relative to the department of transportation pilot program for effective investment of state highway mitigation funds and making an appropriation to the land and community heritage investment program.

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

2 Appropriation; Land and Community Heritage Investment Program; Fiscal Year Ending June 30, 2007. The sum of \$1,250,000 is hereby appropriated to the land and community heritage investment program for the fiscal year ending June 30, 2007. This appropriation is in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2006-2168s

AMENDED ANALYSIS

This bill authorizes the department of transportation to include organizations engaged in the acquisition or stewardship of lands, and natural, cultural, and historical resources, in the pilot program for the effective investment of state highway mitigation funds and makes an appropriation to the land and community heritage investment program for fiscal year 2007.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Clegg.

The following Senators voted Yes: Johnson, Burling, Odell, Roberge, Gottesman, Foster, Larsen, Martel, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Boyce, Green, Flanders, Eaton, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Morse.

Yeas: 11 - Nays: 12

Floor amendment failed.

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

Adopted.

Ordered to third reading.

HB 1241-FN-L, extending the kindergarten construction aid program. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Morse for the committee.

Senate Finance

April 24, 2006

2006-1989s

04/05

Amendment to HB 1241-FN-LOCAL

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-5 to read 1-3, respectively.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 22 - Nays: 0

Amendment adopted.

Senator Bragdon (Rule #42).

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15
May 2, 2006
2006-2117s
04/10

Floor Amendment to HB 1241-FN-LOCAL

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

1 Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 as amended by 2001, 287:3, and 2005, 164:1 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$29,500,000~~] ***\$31,220,194*** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. \$6,500,000 in the fiscal year ending June 30, 2002.
- V. \$2,000,000 in the fiscal year ending June 30, 2003.
- VI. \$4,000,000 in the fiscal year ending June 30, 2004.
- VII. \$1,000,000 in the fiscal year ending June 30, 2006.
- VIII. \$860,097 in the fiscal year ending June 30, 2007.***
- IX. \$860,097 in the fiscal year ending June 30, 2008.***

The sums in paragraphs VIII and IX shall be a charge against the education trust fund established pursuant to RSA 198:39.

2 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7 as amended by 1997, 351:56; 2001, 287:4; and 2005, 164:2 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$29,500,000~~] ***\$31,220,194*** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) \$6,500,000 in the fiscal year ending June 30, 2002.
- (e) \$2,000,000 in the fiscal year ending June 30, 2003.
- (f) \$4,000,000 in the fiscal year ending June 30, 2004.
- (g) \$1,000,000 in the fiscal year ending June 30, 2006.
- (h) \$860,097 in the fiscal year ending June 30, 2007.***
- (i) \$860,097 in the fiscal year ending June 30, 2008.***

II. Payments of principal and interest on the bonds and notes ***in subparagraphs I(a)-(g)*** shall be made from the general fund of the state. ***Payments of principal and interest on the bonds and notes in subparagraphs I(h)-(i) shall be made from the education trust fund established pursuant to RSA 198:39.***

3 Kindergarten Construction Program. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the period beginning July 1, 1997, and ending June 30, [~~2006~~] ***2008***, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

4 School Money; Education Trust Fund; Version Effective July 1, 2006. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, ***to distribute \$1,000,000 in school building aid and alternative school building aid grants for the biennium ending June 30, 2007, to make principal and interest payments on bonds and notes issued for kindergarten construction in fiscal years 2007 and 2008***, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

5 School Money; Education Trust Fund; Version Effective July 1, 2007. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, ~~[to distribute \$1,000,000 in school building aid and alternative school building aid grants for the biennium ending June 30, 2007;]~~ to make principal and interest payments on bonds and notes issued for kindergarten construction in fiscal years 2007 and 2008, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

6 School Building Aid; Appropriation. The sum of \$1,000,000 for the biennium ending June 30, 2007 is hereby appropriated from the education trust fund established pursuant to RSA 198:39 to the department of education to supplement existing appropriations to the school building aid program pursuant to RSA 198:15-a through RSA 198:15-hh and the alternative school building aid program pursuant to RSA 198:15-u through RSA 198:15-w. This sum shall be used to offset any deficit in a school district's building aid grants resulting from changes to school building aid law.

7 Kindergarten Construction Program; Repeal Date Extended. Amend 2001, 287:7, I as amended by 2003, 319:137 and 2005, 164:4 to read as follows:

I. Paragraph II of section 6 of this act shall take effect July 1, ~~[2006]~~ **2008**.

8 Effective Date.

I. Section 5 of this act shall take effect July 1, 2007.

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

2006-2117s

AMENDED ANALYSIS

This bill:

I. Extends the kindergarten construction aid program through June 30, 2008.

II. Provides that bonded appropriations for kindergarten construction for the 2007 and 2008 fiscal years shall be a charge against the education trust fund.

III. Makes a supplemental appropriation of \$1,000,000 to the department of education for the school building aid and alternative school building aid grant programs.

Floor amendment failed.

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

Adopted.

Ordered to third reading.

Senator Bragdon (Rule #42) on HB 1241-FN-L.

Senator Boyce is in opposition to the motion of ought to pass as amended on HB 1241-FN-L.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 6-2. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state. Finance Committee. Inexpedient to Legislate, Vote 8-0. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1315, relative to the definition and classification of dams. Finance Committee. Ought to Pass, Vote 8-0. Senator Odell for the committee.

Senator Gallus offered a floor amendment.

Sen. Gallus, Dist. 1

May 2, 2006

2006-2145s

06/09

Floor Amendment to HB 1315

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

AN ACT relative to the definition and classification of dams and relative to the acceptance of Jericho Lake dam and dike in Berlin.

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Jericho Lake Dam and Dike Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph V the following new paragraph:

VI. For a consideration of \$1, the department of resources and economic development, division of parks and recreation, is authorized to accept the Jericho Lake dam and dike in the city of Berlin.

2006-2145s

AMENDED ANALYSIS

This bill:

I. Changes the names for classification of dams from letters to names based on the hazard potential of the dam.

II. Exempts certain storm water detention dams from the definition of "dam."

III. Authorizes the department of resources and economic development to accept the Jericho Lake dam and dike in Berlin.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1337, establishing the amusement ride safety advisory board. Finance Committee. Ought to Pass, Vote 8-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Morse for the committee.

Sen. Morse, Dist. 22

April 19, 2006

2006-1894s

06/09

Amendment to HB 1407-FN-A

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

AN ACT relative to funding exotic aquatic weeds eradication and control.

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

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

2006-1894s

AMENDED ANALYSIS

This bill makes permanent the milfoil and other exotic aquatic plants prevention program and the increase in the boat registration fee used to fund the lakes restoration and preservation fund for exotic aquatic weeds prevention and eradication. Currently the increase in the boat registration fee is repealed on January 1, 2008.

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Fuller Clark, Dist. 24

Sen. Hassan, Dist. 23

April 27, 2006

2006-2098s

06/01

Floor Amendment to HB 1407-FN-A

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

AN ACT relative to funding exotic aquatic weeds eradication and control and relative to boat fee agents of the department of safety and increasing the boat registration fee.

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

2 Collection; Agents; Fee Remitted to Department of Safety. Amend RSA 72-A:4, I(a) to read as follows:

(a) An agent of the department of safety duly authorized to issue boat registrations under RSA 270-E. These agents shall furnish a surety bond as required in RSA 41:6 **and except for the collection fee under paragraph III, shall remit all fees collected to the department of safety,**

3 Town Treasurer; Payment by Agents of the Department of Safety Removed. Amend RSA 72-A:5 to read as follows:

72-A:5 [~~Town Treasurer.~~] **Disposition of Fees.**

I. Every clerk[;] **and** tax collector[~~and authorized agent~~] shall each week send all boat fees collected to [his] **the** town or city treasurer. Except as provided in paragraph II, boat fees shall be for the general use of the town or city.

II. When the boat fee is collected by the department of safety **or its agents**, the fee shall **each week** be deposited in the navigation safety fund established under RSA 270-E:6-a.

4 Increase in Boat Registration Fee for Lakes Restoration and Preservation Fund. Amend RSA 270-E:5, II(a) to read as follows:

(a) [~~\$5~~] **\$7** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

5 Lake Restoration and Preservation Fund; Milfoil and Other Exotic Aquatic Plants Prevention Program. Amend RSA 487:25, I to read as follows:

I. The fee of [~~\$5~~] **\$7** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, [~~\$1.50~~] **\$3.50** of the fee for the control of exotic aquatic weeds, and \$3 of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$3 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

6 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

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

2006-2098s**AMENDED ANALYSIS**

This bill:

I. Makes permanent the milfoil and other exotic aquatic plants prevention program and the increase in the boat registration fee used to fund the lakes restoration and preservation fund for exotic aquatic weeds prevention and eradication. Currently the increase in the boat registration fee is repealed on January 1, 2008.

II. Requires the agents of the department of safety who collect boat fees to remit the fees to the department of safety.

III. Increases the boat registration fee and applies the increase in the boat registration fee to exotic aquatic weed control.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Estabrook.

The following Senators voted Yes: Johnson, Burling, Flanders, Odell, Eaton, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Boyce, Green, Roberge, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 11 - Nays: 12

Floor amendment failed.

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

Adopted.

Ordered to third reading.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. Finance Committee. Ought to pass with amendment, Vote 7-1. Senator Green for the committee.

Senate Finance

April, 20, 2006

2006-1956s

08/09

Amendment to HB 1429

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

AN ACT relative to municipal exemptions for hazardous waste cleanup liability and preventing the exemption of privately-owned landfills and ancillary facilities from property taxes.

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

1 New Paragraph; Exemptions. Amend RSA 147-A:9 by inserting after paragraph I the following new paragraph:

I-a. Government entities, including their employees, shall not be liable for the release of hazardous waste during the lawful transportation of locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities in the absence of willful, wanton or reckless conduct. In the event of a release during such transport, the department of environmental services shall be liable for containment of household hazardous wastes, removal of the household hazardous wastes, necessary cleanup and restoration of the affected site and the surrounding environment, and any required evaluation, assessment, and monitoring associated with the release.

2 New Paragraph; Exemptions. Amend RSA 147-B:10 by inserting after paragraph I the following new paragraph:

I-a. Government entities, including their employees, shall not be liable for the release of hazardous waste during the lawful transportation of locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities in the absence of willful, wanton or reckless conduct.

3 Statement of Purpose. The general court finds that tax exemptions for private landfills are contrary to public interest. As such, the provision of pollution control tax exemptions to privately-owned landfills and ancillary facilities located at such landfills is contrary to the public interest articulated by the general court in its enactment of RSA 149-M:3. The general court reaffirms that the use of landfills is the least preferential of waste management methods. As the least preferential management method, privately-owned landfills which constitute a unique class of property shall not be entitled to pollution control tax exemptions pursuant to RSA 72:12-a.

4 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.***

5 Applicability. This act shall apply with respect to real estate taxes assessed on or after April 1, 2007.

6 Effective Date.

I. Sections 1-2 of this act shall take effect 90 days after passage.

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

2006-1956s

AMENDED ANALYSIS

This bill creates municipal exemptions for hazardous waste cleanup liability.

This bill also prevents the exemption of privately owned landfills and ancillary facilities from property taxes.

Amendment adopted.

Senator Morse offered a floor amendment.

Sen. Morse, Dist. 22

May 3, 2006

2006-2161s

04/10

Floor Amendment to HB 1429

Amend RSA 147-A:9, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Government entities, including their employees, shall not be liable for the release of hazardous waste during the lawful transportation of locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities in the absence of willful, wanton or reckless conduct. In the event of a release during such transport, the department of environmental services shall be responsible for containment of household hazardous wastes, removal of the household hazardous wastes, necessary cleanup and restoration of the affected site and the surrounding environment, and any required evaluation, assessment, and monitoring associated with the release. Any costs associated with such containment, removal, cleanup, and restoration, and any required evaluation, assessment, and monitoring shall be a charge against the hazardous waste cleanup fund established in RSA 147-B:3.

Floor amendment adopted.

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

MOTION TO TABLE

Senator Burling moved to have HB 1429 laid on the table.

Motion failed.

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

Adopted.

Ordered to third reading.

HB 1458-FN, relative to the regulation of landscape architects. Finance Committee. Ought to pass with amendment, Vote 4-3. Senator Morse for the committee.

Sen. Morse, Dist. 22

April 24, 2006

2006-2009s

04/03

Amendment to HB 1458-FN

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

AN ACT establishing a committee to study the licensing and regulating of landscape architects.

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

1 Committee Established. There is established a committee to study the licensing and regulating of landscape architects.

2 Membership and Compensation.

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

(a) Three members 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.

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 study the licensing and regulating of landscape architects.

4 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 senate 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.

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, 2006.

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

2006-2009s

AMENDED ANALYSIS

This bill establishes a committee to study the licensing and regulating of landscape architects.

A division vote was requested.

Yeas: 8 - Nays: 14

Amendment failed.

Senator Roberge moved ought to pass.

The question is on the motion of ought to pass.

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

The following Senators voted Yes: Kenney, Burling, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Larsen, Barnes, Martel, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Boyce, Green, Clegg, Gatsas, Letourneau.

Yeas: 15 - Nays: 7

Adopted.

Ordered to third reading.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance
April 26, 2006
2006-2077s
04/03

Amendment to HB 1459-FN-A

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

AN ACT making an appropriation to the department of regional community-technical colleges for tuition maintenance; authorizing the temporary use of the department of regional community-technical colleges nonlapsing account for tuition maintenance; and making a bonded capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

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

1 Department of Regional Community-Technical Colleges; Appropriation. The sum of \$400,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of regional community-technical colleges to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Regional Community-Technical College System; Use of Nonlapsing Account. The commissioner of the department of regional community-technical colleges, with the prior approval of the fiscal committee of the general court and the governor and council, may use funds in the nonlapsing account established in RSA 188-F:14-c to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. This authority shall expire on June 30, 2007.

3 Capital Appropriation; New Hampshire Technical Institute; Health Education Center Nursing Wing. The sum of \$600,000 is appropriated to the department of regional community-technical colleges, for the biennium ending June 30, 2007, for the construction of a health education center nursing wing at the New Hampshire technical institute in Concord. This amount shall be in addition to \$2,400,000 in funds available for this purpose from other sources, including the \$250,000 state appropriation in 2005, 259:1, III, E.

4 Bonds Authorized. To provide funds for the appropriations made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

5 Effective Date.

I. Section 1 of this act shall take effect July 1, 2006.

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

2006-2077s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of regional community-technical colleges for tuition maintenance and authorizes the temporary use of the department of regional community-technical colleges nonlapsing account for tuition maintenance.

II. Makes a capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Eaton.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: Boyce.

Yeas: 22 - Nays: 1

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

April 27, 2006

2006-2097s

04/01

Floor Amendment to HB 1459-FN-A

Amend the bill by replacing section 1 with the following:

1 Department of Regional Community-Technical Colleges; Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of regional community-technical colleges to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Odell, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 8 - Nays: 15

Floor amendment failed.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

May 2, 2006

2006-2148s

04/10

Floor Amendment to HB 1459-FN-A

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

AN ACT making an appropriation to the department of regional community-technical colleges for tuition mitigation; authorizing the temporary use of the department of regional community-technical colleges nonlapsing account for tuition mitigation; and making a bonded capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

Amend the bill by replacing sections 1-2 with the following:

1 Department of Regional Community-Technical Colleges; Appropriation. The sum of \$400,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of regional community-technical colleges to enable the regional community-technical college board of trustees to maintain a competitive tuition rate for the 2006-2007 academic year. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Regional Community-Technical College System; Use of Nonlapsing Account. The commissioner of the department of regional community-technical colleges, with the prior approval of the fiscal committee of the general court and the governor and council, may use funds in the nonlapsing account established in RSA 188-F:14-c to enable the regional community-technical college board of trustees to maintain a competitive tuition rate for the 2006-2007 academic year. This authority shall expire on June 30, 2007.

2006-2148s**AMENDED ANALYSIS**

This bill:

I. Makes an appropriation to the department of regional community-technical colleges for tuition mitigation and authorizes the temporary use of the department of regional community-technical colleges nonlapsing account for tuition mitigation.

II. Makes a capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

Senator Larsen withdrew her floor amendment.

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

A roll call was requested by Senator Flanders.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Larsen for the committee.

Senate Finance

April 24, 2006

2006-1994s

01/09

Amendment to HB 1464-FN-A-LOCAL

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

AN ACT relative to mosquito control, establishing a mosquito control fund, making an appropriation therefor, and relative to a public health response to arbovirus.

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

1 New Sections; Communicable Disease; Mosquito Control Districts; Mosquito Control Fund. Amend RSA 141-C by inserting after section 23 the following new sections:

141-C:24 Mosquito Control Districts; Rulemaking. Contiguous municipalities may establish mosquito control districts for the purposes of applying for moneys from the mosquito control fund established in RSA 141-C:25 and for the purposes of applying for spraying permits. The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to the establishment of such mosquito districts.

141-C:25 Mosquito Control Fund.

I. There is hereby established a nonlapsing and continually appropriated mosquito control fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of offsetting the cost of mosquito control activities including, but not limited to, the purchase and application of chemical pesticides. The purpose of the fund is to provide financial assistance, when needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement activities in response to a declared threat to the public health. Any balance remaining in the mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general fund.

II. In order to be eligible to receive funding, a city, town, or mosquito control district shall have in place a comprehensive mosquito control plan approved by the commissioner. This plan shall include at a minimum:

(a) A list of the pesticides (active ingredient) and methods by which these pesticides will be applied to ensure that the application is done in a safe and proper manner.

(b) Safeguards that will be taken to protect the health of the public, wildlife, and resources within the state including provisions for the measuring and monitoring of residual pesticides in the water and soil.

(c) A comprehensive public awareness campaign geared toward prevention and designed to educate the public about the health risks associated with mosquitoes.

(d) Appropriate abatement measures.

III.(a) The commissioner, in consultation with the Centers for Disease Control and Prevention, and with the concurrence of the governor, may determine that a threat to the public health exists that warrants expedited mosquito control and abatement activities within a city, town, or mosquito control district. Such determination shall be based on local factors which may include:

(1) Historical and current climatic conditions.

(2) Historical and current mosquito population indices.

(3) Historical and current mosquito, veterinary, and human arboviral disease surveillance.

(b) An expedited approval process shall be established for the implementation of mosquito control and abatement activities, including the application of pesticides. The commissioner of the department of agriculture, markets, and food may authorize expedited mosquito control and abatement activities pursuant to this paragraph.

IV. A city, town, or mosquito control district shall be eligible to receive funds if the commissioner determines that:

(a) The city, town, or mosquito control district has a comprehensive mosquito control plan approved by the commissioner in accordance with paragraph II;

(b) The city, town, or mosquito control district has engaged or plans to engage in mosquito control and abatement activities pursuant to paragraph III;

(c) The commissioner, after consultation with the Centers for Disease Control and Prevention, has determined that mosquito control and abatement activities are appropriate to mitigate the public health threat; and

(d) A threat to public health has been determined in accordance with paragraph III.

V. A city, town, or mosquito control district's receipt of funds, as well as the amount of funding, shall be at the discretion of the commissioner. In exercising his or her discretion, the commissioner shall consider the following criteria:

(a) The nature and degree of the declared threat to the public health.

(b) The nature and degree of the city, town, or mosquito control district's mosquito control and abatement activities in response to the declared threat to the public health.

(c) The city, town, or mosquito control district shall show cause why funding assistance from the mosquito control fund is necessary.

(d) Funding from the mosquito control fund shall not exceed 25 percent of the cost of mosquito control and abatement activities pursuant to the declared threat to the public health.

(e) Funding is available.

2 New Paragraph; Rulemaking Added. Amend RSA 141-C:6 by inserting after paragraph XXI the following new paragraph:

XXII. Procedures for administration of and disbursement from the mosquito control fund, established in RSA 141-C:25.

3 Appropriation. There is hereby appropriated the sum of \$218,625 to the department of health and human services for the biennium ending June 30, 2007, for the purposes of this act. Of this amount, \$158,625 shall be used for the purpose of funding the mosquito control fund established by section 1 of this act and \$60,000 shall be used by the department for purposes of funding mosquito surveillance activities. This ap-

appropriation shall be reduced by the amount of any federal funds received by the department for these purposes. This appropriation shall be in addition to any other funds appropriated to the department of health and human services for these purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 New Paragraph; Exemption Added. Amend RSA 430:46, I by inserting after subparagraph (d) the following new subparagraph:

(e) Expedited mosquito control and abatement activities pursuant to a declared threat to the public health under RSA 141-C:25, III.

5 Task Force Established. There is established a task force to facilitate a coordinated local, regional, and state response to arboviruses in New Hampshire.

6 Membership and Compensation.

I. The members of the task force shall be as follows:

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

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

(c) The state epidemiologist.

(d) The state veterinarian.

(e) The commissioner of the department of health and human services, or designee.

(f) The commissioner of the department of agriculture, markets, and food, or designee.

(g) The commissioner of the department of resources and economic development, or designee.

(h) The executive director of the fish and game department, or designee.

(i) The commissioner of the department of environmental services, or designee.

(j) A representative from county government, appointed by the governor.

(k) An entomologist from the university of New Hampshire, appointed by the governor.

(l) Three locally-elected officials from towns or cities where arbovirus has been detected in animals or humans, at least one of whom shall be a public health officer, appointed by the governor.

(m) Two private citizens, each a landowner, officer, one of whom shall be nominated by the New Hampshire Farm Bureau Federation, appointed by the governor.

(n) Two members at-large, appointed by the commissioner of the department of health and human services.

II. The task force shall serve without compensation and may solicit any information from any person or entity the task force deems relevant to its purpose.

7 Duties. The committee shall:

I. Determine the coordination of and planning for mosquito control efforts, including a method to enable communities throughout the state to form mosquito control districts, or to be able to join together informally to file joint applications to engage in larvaecide or adulticide spraying.

II. Determine who should have certain mosquito control responsibilities according to expertise throughout the state.

III. Review and, if necessary, streamline state governmental processes required to implement mosquito control programs.

IV. Plan and coordinate public education and outreach regarding mosquito-borne illness.

V. Apply for funding from private and public sources for the purposes of responding to arbovirus threats.

VI. Determine a method to enable communities to order the removal of standing water hazards on private property and to levy fines on the property owner if necessary.

VII. Establish a mechanism to work with landowners for determining when a pond, marsh land, or wetland on private property is found to be creating a standing water hazard and a method to permit local communities to receive assistance from the fish and game department and the department of environmental services to determine if the standing water hazard can be removed.

VIII. Establish procedures for determining what, if any, mosquito control efforts will be undertaken in state parks.

IX. Establish a mechanism to protect certified organic farms from being treated with products that would void their certification.

8 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum.

9 Report. The task force shall make an interim report on or before November 1, 2006 with a report of its findings and any recommendations for proposed legislation and a final report on or before November 1, 2007 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.

10 Effective Date. This act shall take effect July 1, 2006.

2006-1994s

AMENDED ANALYSIS

This bill:

I. Establishes a mosquito control fund in the department of health and human services to assist cities, towns, and mosquito control districts by providing funding to offset mosquito control activities.

II. Makes an appropriation to the department for the purposes of funding the mosquito control fund and mosquito surveillance.

III. Establishes a 2-year task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses in New Hampshire.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Clegg for the committee.

Sen. Clegg, Dist. 14

April 25, 2006

2006-2015s

08/09

Amendment to HB 1474-FN

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

AN ACT relative to unemployment compensation contribution rates and benefits and establishing a commission to investigate the feasibility of merging the department of employment security into the department of labor.

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

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

282-A:82 Minimum Rate.

I. The commissioner shall compute the amount to be subtracted from every employer's contribution rate for the 4 calendar quarters during a calendar year by determining the available balance in the unemployment compensation fund on September 30 of the preceding calendar year. The amount to be subtracted from every employer's contribution rate for the 4 calendar quarters during a calendar year shall be as follows:

(a) Whenever the unemployment compensation fund equals or exceeds \$225,000,000 on September 30 of the preceding calendar year, the amount to be subtracted shall be .5 percent.

(b) Whenever the unemployment compensation fund equals or exceeds \$250,000,000 on September 30 of the preceding calendar year, the amount to be subtracted shall be one percent.

(c) Whenever the unemployment compensation fund equals or exceeds \$275,000,000 on September 30 of the preceding calendar year, the amount to be subtracted shall be 1.5 percent.

II. The minimum contribution rate under this section shall be not less than .01 percent.

3 Commission Established. There is established a commission to study the feasibility of merging the department of employment security into the department of labor.

4 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) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) The labor commissioner, or designee.

(d) The commissioner of the department of employment security, or designee.

(e) A member of the workforce opportunity council, appointed by the council.

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

5 Duties. The commission shall investigate the feasibility of:

I. Merging the department of employment security into the department of labor;

II. Eliminating the position of commissioner of the department of employment security;

III. Increasing the term of the labor commissioner to 5 years from the date of appointment;

IV. Giving the department of labor 6 to 8 months to adopt appropriate rules to implement the reorganization, including authority to reassign current department of employment security staff as appropriate to effect necessary efficiencies during the reorganization.

6 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

7 Report. The 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 on or before December 15, 2006.

8 New Paragraph; Duties of Commissioner. Amend RSA 282-A:112 by inserting after paragraph V the following new paragraph:

VI. The commissioner shall not close any district office nor reduce services or hours of operation without the prior permission of the fiscal committee.

9 Effective Date.

I. Section 1 of this act shall take effect July 1, 2007.

II. Section 2 of this act shall take effect July 1, 2006.

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

2006-2015s

AMENDED ANALYSIS

This bill increases the amount of unemployment compensation available to claimants and adjusts the taxable wage base.

This bill changes the employer's contribution to the unemployment compensation fund.

This bill establishes a commission to investigate the feasibility of merging the department of employment security into the department of labor.

This bill prohibits the commissioner of the department of employment security from closing district offices without the permission of the fiscal committee.

Senator Burling moved to divide the question.

Senator Burling withdrew his request to divide the question.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Boyce, Green, Odell, Roberge, Clegg, Barnes, Morse.

The following Senators voted No: Kenney, Burling, Flanders, Eaton, Bragdon, Gottesman, Foster, Larsen, Gatsas, Martel, Letourneau, Estabrook, Hassan, Fuller Clark.

Yeas: 9 - Nays: 14

Amendment failed.

MOTION OF RECONSIDERATION

Senator Letourneau having voted with the prevailing side, moved reconsideration of **HB 1474**, whereby the committee amendment was adopted.

Adopted.

HB 1474, relative to unemployment compensation contribution rates and benefits.

The question is the adoption of the committee amendment(#2015).

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: Kenney, Burling, Eaton, Bragdon, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

Yeas: 13 - Nays: 10

Amendment adopted.

Senator Burling moved to divide the question.

Motion failed.

Senator Burling challenged the ruling of the Chair.

The question is on the challenging of the Chair.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

The following Senators voted Yes: Burling, Eaton, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Bragdon, Clegg, Barnes, Martel, Letourneau, Morse.

Yeas: 8 - Nays: 14

Motion failed.

The question is on dividing the question.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Flanders, Eaton, Bragdon, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Odell, Roberge, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 10 - Nays: 13

Motion failed.

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

Adopted.

Ordered to third reading.

HB 1590-FN, relative to the pari-mutuel commission. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Morse for the committee.

Senate Finance

April 24, 2006

2006-1987s

09/01

Amendment to HB 1590-FN

Amend RSA 284:15-b, III as inserted by section 3 of the bill by replacing it with the following:

III. The expenses of the commission and the office of attorney general in conducting any investigation authorized in this section, including the services of consultants, experts, accountants and other assistants, shall be a direct charge against the applicant or holder. Total expenses under this paragraph shall not exceed \$50,000, except with the approval of the fiscal committee of the general court.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford. Finance Committee. Ought to Pass, Vote 8-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Clegg for the committee.

Senate Finance

April 25, 2006

2006-2014s

04/05

Amendment to HB 1603-FN

Amend RSA 227-G:2, XVII as inserted by section 2 of the bill by replacing it with the following:

XVII. ***"Wood concentration yard" means any site established and used for the purchase and re-sale of primary forest products from off-site locations and which is not a primary wood processing mill. Any site used primarily to process or store bark mulch shall not be a wood concentration yard.***

Amendment adopted.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14
 Sen. Burling, Dist. 5
 May 3, 2006
 2006-2151s
 03/04

Floor Amendment to HB 1603-FN

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

AN ACT relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting; requiring security officers of the New Hampshire hospital security force to be fully certified as police officers; and including such security officers in group II of the New Hampshire retirement system.

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

9 Department of Safety; Duties of Commissioner. Amend RSA 21-P:4, XI to read as follows:

XI. Have the discretion to grant to security officers of the New Hampshire hospital security force, **who shall be fully certified as police officers by the police standards and training council**, such titles, ranks, and police powers as the commissioner deems necessary [~~up to and including that of ex-officio constables~~] including the power of arrest for violations of the criminal and motor vehicle laws and the power to serve criminal process, and may limit such powers as deemed necessary. They shall have general police powers on the state office campus and New Hampshire hospital grounds and when in hot pursuit of a person who has committed a crime on the campus or escaped from the hospital, and when acting to transport a patient to or from the hospital, the court, or another mental health facility.

10 Authority of Hospital Security Force Officers. Amend RSA 21-P:7-c, I to read as follows:

I. All security officers of the hospital security force shall possess such police powers as are granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI. All officers of the hospital security force [~~hired after the effective date of this paragraph~~] shall be required to [~~meet the training standards required generally of~~] **be fully certified as** police officers by the police standards and training council pursuant to RSA 188-F and in addition shall receive additional training in dealing with persons with mental illness as specified by the commissioner of safety after consultation with the superintendent of the New Hampshire hospital.

11 New Subparagraph; New Hampshire Retirement System; Definitions; Permanent Policeman. Amend RSA 100-A:1, VII by inserting after subparagraph (f) the following new subparagraph:

(g) A security officer of the New Hampshire hospital security force who:

(1) Has the responsibilities granted by the commissioner of safety under RSA 21P:4, XI;

(2) Has full general arrest powers;

(3) As a job requirement, is fully certified as a police officer by the police standards and training council; and

(4) As a job requirement, meets all physical, mental, educational, and other qualifications for continuing certification as a police officer that may be established by the police standards and training council.

12 New Hampshire Retirement System; Exception From Definition of Permanent Policeman; New Hampshire Hospital Security Officers Deleted. Amend RSA 100-A:1, VII-a(b) to read as follows:

(b) Any bingo or lucky 7 inspector, [~~security officer appointed pursuant to RSA 21-P:7-b,~~] any juvenile probation and parole officer, or any person employed in the bureau of trails of the department of resources and economic development; or

13 Transitional Provisions. Any persons employed as security officers of the New Hampshire hospital security force on the date this act takes effect and who have not completed the training required by the police standards and training council for certification as full-time police officers shall be scheduled for training at the police academy at the earliest practical time without undue interruption to the security operations at the hospital. No person shall be entitled to join group II of the retirement system without successfully completing all the training and other requirements to be fully certified. Any person employed as a security officer of the security force on the date this act takes effect and who has not successfully completed all the training and requirements for full-time police certification shall be entitled to continue

said employment or be transferred to a civilian position at a comparable labor grade at the hospital or the department of safety. All officers hired on or after July 1, 2006, if not already full-time certified, shall successfully complete the police academy within the time specified in RSA 188-F and the rules of the police standards and training council.

14 Effective Date.

I. Sections 9-13 of this act shall take effect July 1, 2006.

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

2006-2151s

AMENDED ANALYSIS

This bill:

I. Requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers established by the police standards and training council and provides that any forest ranger hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory training course.

II. Authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease.

III. Defines and regulates wood concentration yards.

IV. Penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice.

V. Requires security officers of the New Hampshire hospital security force to be fully certified as police officers by the police standards and training council.

VI. Includes such security officers in group II of the New Hampshire retirement system.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1608-FN-A, making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage. Finance Committee. Inexpedient to Legislate, Vote 4-3. Senator Morse for the committee.

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

A division vote was requested.

Yeas: 11- Nays: 9

Committee report of inexpedient to legislate is adopted.

HB 1611-FN, relative to reimbursement for personal care services. Finance Committee. Ought to Pass, Vote 7-1. Senator Morse for the committee.

Adopted.

Ordered to third reading.

HB 1624-FN, relative to boat noise. Finance Committee. Ought to Pass, Vote 8-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance
April 27, 2006
2006-2085s
08/09

Amendment to HB 1626-FN-A

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

AN ACT relative to appropriations for the expenses of certain departments of the state and establishing a quality early learning opportunity initiative and making an appropriation therefor.

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

1 Repeal. 2005, 298:5, relative to an appropriation to the office of energy and planning for the fuel assistance program, is repealed.

2 Adjutant General; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$360,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Department of Administrative Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$1,669,525 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of administrative services. The appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Other
\$252,134	\$190,789	\$373,124	\$853,478

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

4 Department of Safety; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$340,587 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings. This appropriation shall be a charge against the highway fund and is in addition to any other funds appropriated to the department of safety.

5 Department of Resources and Economic Development; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$16,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Department of Environmental Services; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$33,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Department of Corrections; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$950,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Regional Community Technical College System; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$700,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Liquor Commission; Supplemental Appropriation; Energy Expense Shortfalls. The sum of \$105,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the liquor commission for anticipated

energy expense shortfalls in state-owned buildings. This appropriation is in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Department of Administrative Services; Supplemental Appropriation; New Positions to Administer; State Retiree Health Benefits. The sum of \$163,618 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of administrative services, for the hiring of 3 program specialist II positions with associated costs to administer state retiree benefits. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

11 Appropriation; Adjutant General; Exhibits. There is hereby appropriated the sum of \$15,000 to the adjutant general for the fiscal year ending June 30, 2006 for the purpose of creating permanent photographic exhibits, documenting the New Hampshire national guard's support and deployment during Operation Iraqi Freedom and Operation Enduring Freedom. The exhibits shall be displayed in each of the New Hampshire national guard armories. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 General Fund Appropriation Reductions; Administrative Services. Amend 2005, 176:10 to read as follows:

176:10 General Fund Appropriation Reductions. The department of administrative services shall reduce state general fund appropriations by \$500,000 for the fiscal year ending June 30, 2006~~[-and by \$500,000 for the fiscal year ending June 30, 2007]~~. The department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

13 Supplemental Appropriation; Office of Cost Containment.

I. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of \$17,687 for class 50 and \$1,353 for class 60 are hereby appropriated for the fiscal year ending June 30, 2006 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of \$27,535 for class 50 and \$2,106 for class 60 are hereby appropriated for the fiscal year ending June 30, 2007 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

14 Supplemental Appropriation; Sheriff Custody Reimbursement. In addition to any other sums appropriated to PAU 01-04-07, class 93, the sums of \$64,745 for the fiscal year ending June 30, 2005, \$55,000 for the fiscal year ending June 30, 2006, and \$73,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for sheriff custody reimbursement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

15 Supplemental Appropriation; Medicare Retiree Prescription Drug Subsidy Program. The sums of \$100,000 for the fiscal year ending June 30, 2006 and \$200,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for administrative costs related to the Medicare Retiree Prescription Drug Subsidy Program. These appropriations are in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

16 Supplemental Appropriation; Enterprise Resource Planning System.

I. The sum of \$1,500,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of administrative services for quality assurance evaluation, monitoring, and reporting related to the implementation of the Enterprise Resource Planning System.

II. To provide funds for the appropriation made in paragraph I of this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

17 Statement of Purpose. The general court finds that high quality early learning experiences are important to the well-being of children and the state. Children who attend child care programs that provide high quality learning environments are more likely to succeed in school and to become productive, inde-

pendent adults. The general court recognizes that many low-income working parents are unable to afford the cost of quality, licensed child care. Sections 17-20 of this act are intended to provide enhanced opportunities for these families to access high quality early care and education programs.

18 New Paragraph; Commissioner of Health and Human Services; Quality Early Learning Opportunity Initiative. Amend RSA 126-A:5 by inserting after paragraph XIII the following new paragraph:

XIV. The commissioner shall establish a quality early learning opportunity initiative which shall be available on a first-come, first-served basis to families whose income is between 190 percent and 250 percent of the federal poverty guidelines, and whose children are enrolled in a child care program licensed under RSA 170-E, and who otherwise meet all other eligibility requirements for child care assistance. The amount of support provided to eligible families shall be calculated annually by the department and shall reflect the estimated average difference between the cost of licensed child care and unlicensed child care.

19 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of health and human services for the purposes of section 18 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

20 Repeal. RSA 126-A:5, XIV, relative to the high quality early learning opportunity initiative, is repealed.

21 Effective Date.

I. Section 20 of this act shall take effect July 1, 2007.

II. Sections 16-19 of this act shall take effect July 1, 2006.

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

2006-2085s

AMENDED ANALYSIS

This bill modifies certain prior appropriations and makes additional appropriations for the expenses of certain departments of the state.

This bill also establishes a one-year quality early learning opportunity initiative in the department of health and human services and makes an appropriation from the general fund for such initiative.

Senator Johnson in the Chair.

Amendment adopted.

Senator Larsen offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Gottesman, Dist. 12

Sen. Foster, Dist. 13

Sen. Larsen, Dist. 15

Sen. Estabrook, Dist. 21

Sen. Hassan, Dist. 23

Sen. M. Fuller Clark, Dist. 24

May 2, 2006

2006-2144s

09/10

Floor Amendment to HB 1626-FN-A

Amend the bill by replacing all after section 20 with the following:

21 Appropriation. The sum of \$1,748,504 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing a one-time increase in rates paid to certain providers in fiscal year 2007 to offset the increased cost of utilities, heating, and mileage. The commissioner of the department of health and human services by August 1 shall set the amount of such rate increase for each provider at the maximum rate consistent with the appropriations allotted below for such provider. The commissioner in September shall report to the fiscal committee of the general court on the rates established by the department. The sums appropriated in this section represent the state general fund share of such costs, and the department shall obtain matching funds from federal and other non-state sources, where appropriate, to ensure that the full cost of the one-time increase is sufficiently funded. The appropriation contained in this section shall be distributed as follows:

Office of Medicaid and Business Policy

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-02-01-04	Medical Transportation	\$6,050

Division for Children, Youth, and Families

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-06-07-01	Residential Providers	\$151,118
05-01-06-07-01	Foster Care Adoption, and Foster Homes	\$92,462
05-01-06-08-02	Child Care	\$257,134

Bureau of Elderly and Adult Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-08-03-01	Home Delivered Meals and Transportation	\$21,062
05-01-08-03-05	Congregate Housing Contracts	\$6,980
05-01-08-03-06	Adult Residential Day Care	\$2,578
05-01-08-04-01	Home Nursing Services	\$73,758

Bureau of Behavioral Health

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-09-04-01	Community Mental Health Centers	\$341,850
05-01-09-04-08	Emergency Shelters	\$30,772

Bureau of Developmental Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-10-01	Developmental Services	\$764,740

This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

22 Rate Increase; Federal Funds. The department of health and human services shall provide a one-time one percent increase in rates paid to certain health and human services providers in fiscal year 2006 who do not receive the increase contained in section 21 of this act, but only to the extent the increase can be funded entirely from federal funds.

23 Additional Appropriation. The sum of \$150,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing additional funds to certain health and human services providers for the increased cost of utilities, heating, and mileage. The amounts appropriated in this section shall be distributed by the commissioner at his or her discretion. The commissioner may distribute these funds to providers who also receive the rate increase provided for in section 21 of this act. The commissioner shall seek to distribute funds in a manner which shall provide the highest level of relief to providers most affected by the increased cost of utilities, heating, and mileage, and shall report to the fiscal committee of the general court within 60 days of the effective date of this act on the distribution of said funds. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

24 Effective Date.

- I. Section 20 of this act shall take effect July 1, 2007.
- II. Sections 16-19 of this act shall take effect July 1, 2006.
- III. The remainder of this act shall take effect upon its passage.

2006-2144s**AMENDED ANALYSIS**

This bill modifies certain prior appropriations and makes additional appropriations for the expenses of certain departments of the state.

This bill establishes a one-year quality early learning opportunity initiative in the department of health and human services and makes an appropriation from the general fund for such initiative.

The bill also makes appropriations to the department of health and human services for the purposes of reimbursing certain health and human services providers for the increased cost of utilities, heating, and mileage.

Senator Gatsas in the Chair.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Green, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 8 – Nays: 15

Floor amendment failed.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 – Nays: 0

Adopted.

Ordered to third reading.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Larsen for the committee.

Senate Finance

April 24, 2006

2006-1997s

04/10

Amendment to HB 1648-FN

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

AN ACT relative to the residency status and financial liability for a child who is a ward of the department of health and human services or who is the subject of a court-ordered placement.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

2006-1997s

AMENDED ANALYSIS

This bill revises the procedure for resolving disputes between school districts, parents, and the department of health and human services concerning the residency status and financial liability for a child who is a ward of the department of health and human services or who is the subject of a court-ordered placement.

Amendment adopted.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15
May 2, 2006
2006-2147s
04/10

Floor Amendment to HB 1648-FN

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

AN ACT relative to legal residency and financial liability for children in certain residential placements.

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

1 New Subparagraph; School Attendance; Legal Residence Required. Amend RSA 193:12, II by inserting after subparagraph (b) the following new subparagraph:

(c)(1) If a parent with legal and physical custody of a child moves from New Hampshire to another state while the child is in a court-ordered residential placement in this state or another state pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the departments of education and health and human services shall make a written request of the receiving state to assume the educational costs of the child's placement in this state or another state until legal custody of the child is returned to a parent or legal guardian. In this subparagraph, "receiving state" shall mean the state to which the child's parents move.

(2) If the receiving state refuses to accept financial liability, the departments of education and health and human services shall enter into an agreement to provide the child with general and special education and residential services until legal custody of the child is returned to a parent or legal guardian.

2 Pupils; Legal Residence Required. Amend RSA 193:12, V-b to read as follows:

V-b. Whenever a dispute arises [~~between 2 or more school districts~~] ***among one or more school districts, the department of health and human services, or one or more of the previously mentioned parties***, as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the [~~respective~~] superintendents ***involved*** resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

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

2006-2147s

AMENDED ANALYSIS

This bill requires the departments of education and health and human services to provide educational or residential services, or both, to certain children in court-ordered residential placements in this or another state.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Morse for the committee.

Senate Finance
April 25, 2006
2006-2031s
06/09

Amendment to HB 1656-FN-A

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

AN ACT establishing a turnpike electronic toll collection transponder inventory revolving account.

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

1 New Section; Turnpike Electronic Toll Collection Transponder Inventory Revolving Account. Amend RSA 228 by inserting after section 24-c the following new section:

228:24-d Turnpike Electronic Toll Collection Transponder Inventory Revolving Account. There is hereby established a turnpike electronic toll collection transponder inventory revolving account not to exceed \$1,000,000. The commissioner of transportation may purchase, through the Interagency Group, such electronic toll collection transponders as may be necessary for the operation of the department, which shall be a charge against the account. Any costs to the department above and beyond the cost of the transponders shall be charged to the purchaser. All sales of electronic toll collection transponders from inventory shall be credited to the account and are hereby appropriated to the department of transportation and made available for expenditures from the account.

2 New Subparagraph; Turnpike Electronic Toll Collection Transponder Inventory Revolving Account. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys received pursuant to RSA 228:24-d which shall be credited to the turnpike electronic toll collection transponder inventory revolving account in RSA 228:24-d.

3 New Section; Use of Tokens. Tokens sold by the department of transportation prior to September 1, 2005, may be used in payment of tolls for 6 months on or after July 1, 2006. The cash value of each token shall be \$.125. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the redemption of such tokens.

4 Effective Date. This act shall take effect July 1, 2006.

2006-2031s

AMENDED ANALYSIS

This bill establishes the turnpike electronic toll collection transponder inventory revolving account in the department of transportation for the purchase and sale of transponders for use in the regional electronic toll collection system.

This bill permits the use of tokens as payment of tolls for 6 months.

This bill is a request of the department of transportation.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Barnes is in opposition to HB 1656-FN-A.

HB 1672-FN, relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries. Finance Committee. Ought to pass with amendment, Vote 7-1. Senator Morse for the committee.

Sen. Morse, Dist. 22

April 24, 2006

2006-1975s

05/03

Amendment to HB 1672-FN

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Sections 3-7 and 9 shall take effect upon its passage.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Barnes is in favor of HB 1672-FN.

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens. Finance Committee. Ought to Pass, Vote 7-1. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 1696-FN, relative to the cremation of human remains. Finance Committee. Ought to Pass, Vote 6-2. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 1697-FN, relative to certain state salaries. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Clegg for the committee.

Senate Finance

April 26 2006

2006-2052s

04/10

Amendment to HB 1697-FN

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

AN ACT relative to certain state salaries; establishing the position of director of homeland security and emergency management in the department of safety; authorizing the commissioner of safety to reorganize certain divisions, responsibilities, and activities of the department; relative to appeals of reclassification of positions; relative to a study of the unclassified salary schedule; and relative to the registration of apprentices by the board of barbering, cosmetology, and esthetics.

Amend the bill by replacing all after section 11 with the following:

12 New Section; Department of Safety; Director of Homeland Security and Emergency Management. Amend RSA 21-P by inserting after section 5 the following new section:

21-P:5-a Director of Homeland Security and Emergency Management.

I. Notwithstanding the provisions of RSA 21-G and RSA 21-P:3, the commissioner, after consultation with the governor, shall nominate for appointment by the governor and council, a director of homeland security and emergency management, who shall serve at the pleasure of the governor. The director of homeland security and emergency management shall be qualified by education and experience and shall receive the salary provided in RSA 94:1-a.

II. The director of homeland security and emergency management, under the supervision of the commissioner and the governor, shall devote full time and attention to overseeing the state level planning, preparation, exercise, response to and mitigation of terrorist threats and incidents and natural and human-caused disasters. He or she shall serve as the state's primary contact with the federal department of homeland security, and shall have authority to oversee and coordinate planning, response, and recovery efforts of all state agencies to terrorist events and natural and human-caused disasters and wide scale threats to the public health and safety. All state agencies shall and are authorized to cooperate with the director in carrying out his or her duties as enumerated in this section.

III. The director of homeland security and emergency management shall be eligible to be a group II member if he or she was a group II retirement beneficiary or member prior to his or her appointment.

IV. The director of homeland security and emergency management shall keep the president of the senate and speaker of the house of representatives or their designees promptly informed of any impending or actual emergencies that require coordinated action with the legislative branch.

13 Department of Safety; Salaries. Amend RSA 94:1-a, I(b) by:

I. Inserting:

II	Department of safety	director of homeland security and emergency management
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II	Department of safety	director of emergency communications, service, and management
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FF Department of safety

assistant director, bureau of
emergency management

II. Deleting:

EE Department of safety

director of emergency medical services

14 Department of Safety; Reorganization Authorized. The commissioner of safety is hereby authorized, with approval of the governor and council, to reorganize the homeland security and emergency management activities of the department of safety by transferring, notwithstanding other laws and rules to the contrary, the responsibility, duties, and authority for supervision of emergency management from the division of emergency communications, services, and management to the director of homeland security and emergency management, and transferring the bureau of emergency management from the division of emergency communications, services, and management to the office of the commissioner under the supervision of the director of homeland security and emergency management, together with the associated personnel, appropriations, funding sources, contracts, rules, and suitable office space and equipment, and providing for necessary support of emergency management efforts during a disaster or terrorist incident from all components of the department, regardless of funding source. The commissioner shall report to the governor, the president of the senate, and the speaker of the house of representatives by December 31, 2006, recommended legislation for any statutory changes deemed necessary to further align other provisions of the law with this act.

15 Appropriation. The sum of \$133,746 is hereby appropriated to the department of safety, for the fiscal year ending June 30, 2007, to support the establishment of the position of director of homeland security and emergency management. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated. Such amount shall be in addition to any other funds appropriated to the department and shall be expended as follows:

Salary, director of homeland security and emergency management	\$94,584
Current expense	1,500
Equipment	30,000
Benefits	4,162
In-state travel	2,500
Out-of-state travel	1,000

16 New Paragraph; Reclassification of Positions or Increases; Appeal to Commissioner of Administrative Services. Amend RSA 21-I:56 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, any commissioner of a state agency may appeal a reclassification decision to the commissioner of administrative services who shall have final authority over such decision.

17 Study of Unclassified Salary Schedule. The commissioner of administrative services shall engage a consultant of his choice, after approval of the fiscal committee, to study the unclassified salary schedule in relation to recent changes in the classified pay schedule. The commissioner shall present the results and findings of such study to the chairperson of the senate finance committee and the house finance committee prior to December 1, 2006. The cost of such study shall be a charge against the salary adjustment fund established in RSA 99:4.

18 Apprentice Registration. Amend RSA 313-A:24 to read as follows:

313-A:24 Apprentice Registration.

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the board as an apprentice. ***The board shall have sole authority to regulate apprentices and apprenticeship under this chapter.***

II. A person applying for registration under this section shall be granted such registration upon:

- (a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;
- (b) Submitting 3 passport-size photographs; ~~and~~
- (c) Paying a fee established by the board~~[-]~~ ; ***and***
- (d) Being deemed by the board to be of good professional character.***

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for licensure.

19 Effective Date.

I. Sections 12-15 of this act shall take effect July 1, 2006.

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

2006-2052s

AMENDED ANALYSIS

This bill:

I. Changes the effective date for the 2 percent salary increase for certain state employees from July 7, 2006 to June 16, 2006.

II. Establishes the position of director of homeland security and emergency management and adjusts the salaries of the director of emergency communications, service, and management and the assistant director of the bureau of emergency management.

III. Permits the commissioner of the department of safety to transfer the homeland security and emergency management activities of the department of safety from the division of emergency communications, services, and management to the office of the commissioner and to reorganize the divisions, responsibilities, and activities of the department.

IV. Permits the commissioner of administrative services to make the final decision regarding reclassification of certain state employees and directs the commissioner to retain a consultant to study the unclassified salary schedule.

V. Provides that the board of barbering, cosmetology, and esthetics has sole authority to regulate apprentices registered with the board and allows the board to consider the professional character of an applicant for apprenticeship.

Amendment adopted.

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

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Morse, Hassan, Fuller Clark.

The following Senators voted No: Boyce.

Yeas: 21 - Nays: 1

Adopted.

MOTION OF RECONSIDERATION

Senator Gottesman, having voted with the prevailing side, moved reconsideration of HB 1697-FN, whereby it was adopted as amended.

Adopted.

HB 1697-FN, relative to certain state salaries.

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

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: Boyce.

Yeas: 22 - Nays: 1

Adopted.

Ordered to third reading.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance

April 26 2006

2006-2048s

10/03

Amendment to HB 1710-FN-A

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

AN ACT making an appropriation to the department of health and human services for home care providers.

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

2006-2048s

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services for the purposes of funding rate increases for home care providers.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Larsen.

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

The following Senators voted No: Foster, Larsen, Estabrook, Hassan, Fuller Clark.

Yeas: 17 - Nays: 6

Amendment adopted.

MOTION OF RECONSIDERATION

Senator Clegg having voted with the prevailing side, moved reconsideration of HB 1710-FN-A, whereby the committee amendment was adopted.

Adopted.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

The question is the adoption of the committee amendment (#2048).

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Larsen.

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

The following Senators voted No: Burling, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

Yeas: 16 – Nays: 7

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases. Finance Committee. Ought to Pass, Vote 8-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 1735-FN, relative to awarding the state employees' health insurance plan. Finance Committee. Ought to Pass, Vote 7-1. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals. Finance Committee. Ought to Pass, Vote 7-1. Senator Boyce for the committee.

The question is on the committee report of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults. Finance Committee. Ought to Pass, Vote 8-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Green for the committee.

Sen. Green, Dist. 6

April 19, 2006

2006-1917s

08/09

Amendment to HB 1747-FN

Amend the bill by replacing section 1 with the following:

1 Purpose. The purpose of this act is to replace federal funds received in past years with state funds in order to keep an existing program fully operational. The state shall fund the program with a \$175, 000 appropriation from the general fund. This act is consistent with and supported by 1993, 251 (HJR 4), approved June 15, 1993; RSA 143:26; RSA 211:63; RSA 143:21; RSA 143:21-a; and RSA 485-A:8, V.

Amend RSA 487:36 as inserted by section 2 of the bill by deleting paragraph IV.

Amend the bill by replacing section 4 with the following:

4 Appropriations. The sum of \$175,000 is hereby appropriated for the fiscal year ending June 30, 2007 to the healthy tidal waters and shellfish protection fund established in RSA 487:36. The governor is authorized to draw a warrant for said sum of any money in the treasury not otherwise appropriated.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders. Banks and Insurance Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

Banks and Insurance

April 18, 2006

2006-1885s

08/09

Amendment to HB 1126

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

AN ACT relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders and relative to licensing of money transmitters.

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

1 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph III-b the following new paragraph:

III-c. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

2 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

3 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VIII-b the following new paragraph:

VIII-c. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

4 Licensed Retail Sellers. Amend the introductory paragraph of RSA 361-A:1, XIII to read as follows:

XIII. "Sales finance company" means a person engaged, in whole or in part, directly or indirectly, in the business of providing motor vehicle financing in this state to one or more retail buyers, or in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to any federally chartered bank, savings bank, trust company, credit union, cooperative bank, finance company, lending agency, industrial bank, or investment company, if so engaged. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon, nor does it include a **licensed** retail seller who:

5 Licensing of Sales Finance Companies and Retail Sellers Required. Amend RSA 361-A:2, II to read as follows:

II.(a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; **the tax applicant's identification number**; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal **and indirect owner** shall **provide his or her social security numbers and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals **or indirect owners** listed in the application and whether the applicant or any of its principals **or indirect owners** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

(1) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity]~~ **individuals who are indirect** ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **owners**.

6 Retail Sellers and Finance Companies Required to Update Information. Amend RSA 361-A:2, XII to read as follows:

XII. Retail sellers and sales finance companies licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the retail seller and sales finance company licensee shall promptly submit an amendment to its application records to correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. **Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.** A licensee shall submit written notification to the department of the addition or deletion of a person required to be listed in the application, and shall provide the name and address of each new person required to be listed no later than 30 days after such change. Each new person required to be listed shall **provide his or her social security number and** authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, the qualifications and business history of each person required to be listed. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the person required to be listed and whether the person required to be listed has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

7 Compensation; Assistants. Amend RSA 383:7 to read as follows:

383:7 Compensation; Assistants.

I. The annual salary of the bank commissioner, and that of the deputy commissioner, shall be that prescribed by RSA 94:1-4. The commissioner may appoint examiners and such assistants as may be necessary, within the limits of the appropriations therefor and the rules of the state personnel system. The commissioner,

deputy commissioner, examiners, and other assistants shall be allowed their actual traveling expenses when engaged in their official duties. No person shall serve as examiner who would be disqualified to serve as commissioner under the limitations of RSA 383:6, except that examiners may be indebted to such corporations and associations at the time of their appointment, or thereafter, provided any such debt is incurred primarily for personal, household, or family purposes and on terms no more favorable than those afforded to other borrowers, the examiner's employment is disclosed to such corporation or association, and both the examiner and the corporation or association disclose to the commissioner that a debt has been incurred.

II. The banking department shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the banking department prior to a final offer of employment. The banking department may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the banking department has initiated a criminal history records check. The banking department shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant with a criminal history was in any way negligent or deficient if the banking department fulfilled the requirements of this section.

III. The selected applicant for employment shall submit to the banking department a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the banking department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

IV. The banking department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

V. This section applies to any employee or selected applicant for employment of the banking department.

8 Payment of Cost of Examination. Amend RSA 383: 11, II (b) to read as follows:

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, ~~[RSA 398-A,]~~ RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

9 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

10 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

11 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XX the following new paragraph:

XX-a. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

12 License Application; Requirements; Investigations. Amend RSA 397-A:5, I and II(a) to read as follows:

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, **the applicant's tax identification number**, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals of the applicant. Each principal **and indirect owner** shall **provide his or her social security number and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals **or indirect owners** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

II.(a) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the ~~[principals of each equity]~~ **individuals who are indirect** ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **owners**.

13 License Applications; Requirements. Amend RSA 397-A:5, III(c) to read as follows:

(c) Each applicant shall be required to submit to the department detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. The application shall include a statement of net worth. An applicant or licensee shall demonstrate and maintain a positive net worth. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12. Each mortgage banker applicant shall demonstrate a net worth at all times of at least \$100,000 or increase their posted continuous surety bond to a total amount of \$100,000. Each mortgage **banker and** broker shall post a continuous surety bond in the amount of \$20,000 to the commissioner. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based.

14 New Paragraph; License Requirements. Amend RSA 397-A:5 by inserting after paragraph VI the following new paragraph:

VII. Licensees shall comply with the provisions of HOEPA at all times.

15 Change in Name; Ownership; Location. Amend RSA 397-A:10, IV to read as follows:

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.***

16 Annual Report. Amend RSA 397-A:13, I to read as follows:

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. The annual report shall include a list of all individuals, and the address of the work location ***or an undertaking to provide the address immediately upon the department's request***, of each such individual, who act as originators for the licensee.

17 New Paragraph; Lender's Rights and Broker's Rights. Amend RSA 397-A:16 by inserting after paragraph IV the following new paragraph:

V. In order to issue rate lock commitments, a licensee shall comply with rules adopted by the commissioner.

18 Lender's and Broker's Rights; Second Mortgage Debt. Amend RSA 397-A:16-a, XIII to read as follows:

XIII. Any second mortgage loan made in violation of paragraphs I-VIII by any person shall be discharged upon payment or tender by the debtor or any person succeeding to his or her interest in such real estate of the principal sum actually borrowed. Any agreement whereby the borrower waives the benefits of paragraphs I-VIII or releases any rights he or she may have acquired by virtue thereof shall be deemed against public policy and void. ~~[The superior court shall have jurisdiction of all suits arising under paragraphs I-VIII and, if a finding is made that such loan secured by any such mortgage violates paragraphs I-VIII, the borrower shall be entitled as a part of his or her costs to a reasonable fee for the services of an attorney in such suit.]~~

19 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

20 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

21 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph V the following new paragraph:

VI. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

22 Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or [~~licensed~~] **registered** under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

23 Registration; Fees; Term; Renewal. Amend RSA 397-B:4, I(b) and (c) to read as follows:

(b) The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, **the applicant's tax identification number**, and the applicant's proposed method of doing business. The applicant shall disclose whether the applicant or any of its principals **or indirect owners** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business, or has ever been convicted of any felony. Each principal **and indirect owner** shall **provide his or her social security number and** authorize the commissioner to conduct a background check.

(c) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **individuals who are indirect owners.**

24 Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, nor shall the registration provisions of this chapter apply to any individual or entity licensed by the banking department **as a mortgage banker** in accordance with RSA 397-A.

25 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

26 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

27 New Paragraph; Definitions. Amend RSA 399-A:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

28 Application and Fees. Amend RSA 399-A:3, 1(a) and (b) to read as follows:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the applicant; **the applicant's tax identification number**; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals, **indirect owners**, and the name of any person occupying a similar status or performing similar functions. Each such principal **and indirect owner** shall **provide his or her social security number and shall** authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals **or indirect owners** and whether the applicant or any of its principals **or indirect owners** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

(b) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ **individuals who are indirect owners.**

29 Investigation of Application; License Requirements. Amend RSA 399-A:4, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. A licensee shall submit written notification to the department of the addition or deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change. **Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.**

30 New Paragraphs. Definitions. Amend RSA 399-D:2 by inserting after paragraph V-a the following new paragraphs:

V-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V-c. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

31 New Paragraph. Definitions. Amend RSA 399-D:2 by inserting after paragraph VIII the following new paragraph:

IX. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

32 License Application; Requirements; Investigations. Amend the introductory paragraph of RSA 399-D:5, II to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, ***the applicant's tax identification number***; the address of its principal office and all branch offices located or to be located within the state, and a list of the principals ***or indirect owners*** and the name of any person occupying a similar status or performing similar functions. Each principal ***and indirect owner shall provide his or her social security number and*** shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals ***or indirect owners*** and whether the applicant or any of its principals ***or indirect owners*** have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition:

33 License Application; Requirements; Investigations. Amend RSA 399-D:5, II(f) to read as follows:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ ***individuals who are indirect owners***.

34 Licensee's Duties. Amend RSA 399-D:15, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that required the filing of the amendment. ***Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.***

35 New Chapter; Licensing of Money Transmitters. Amend RSA by inserting after chapter 399-F the following new chapter:

CHAPTER 399-G

LICENSING OF MONEY TRANSMITTERS

399-G:1 Definitions. In this chapter:

I. "Authorized delegate" means a person a licensee designates to provide money transmission services on behalf of the licensee.

II. "Commissioner" means the bank commissioner.

III. "Department" means the banking department.

IV. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation;

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital;

(c) In the case of an owner that is a trust, the trust, each trustee, and each beneficiary of 25 percent or more of the trust;

(d) In the case of an owner that is a limited liability company (LLC), (1) those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital, and (2) if managed by elected managers, all elected managers ; and

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

VI. "Licensee" means a person duly licensed by the commissioner under this chapter.

VII. "Monetary value" means a medium of exchange, whether or not redeemable in money.

VIII. "Money transmission" means engaging in the business of selling or issuing payment instruments or stored value, or receiving money or monetary value for transmission to another location.

IX. "Payment instrument" means any electronic or written check, draft, money order, traveler's check, or other electronic or written instrument or order for the transmission or payment of money or monetary value, sold or issued to one or more persons, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

X. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity however organized.

XI. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest in the applicant or licensee, a corporate officer, director, member, general and limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, senior manager, and any person occupying similar status or performing similar functions.

XII. "Principal office" means the main office location of a person required to be licensed under this chapter.

XIII. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

XIV. "Stored value" means monetary value that is evidenced by an electronic record.

399-G:2 Application of Chapter.

I. This chapter authorizes the banking department to regulate persons that engage in the business of money transmission.

II. Any money transmitted under the provisions of this chapter shall be further governed by any other applicable laws of the state of New Hampshire.

III. Notwithstanding any provisions to the contrary, nothing within this chapter shall restrict the right of the attorney general to enforce the provisions of RSA 358-A:2, XIII, regarding the issuance and terms of stored value cards which are gift certificates as defined by RSA 358-A:1, IV-a.

IV. Persons subject to or licensed under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

V. Licensing in the state of New Hampshire under this chapter does not constitute a finding that the commissioner has passed in any way upon the merits or qualifications of such person or that the commissioner has recommended or given approval to any person. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

VI. Any license or registration fee required by this chapter shall be paid before a license or registration becomes effective.

399-G:3 License Required. Any person not exempt under RSA 399-G:4 that, in its own name or on behalf of other persons, engages in the business of money transmission shall obtain a license from the banking department.

399-G:4 Exemptions. The provisions of this chapter shall not apply to:

I. Any bank, trust company, savings and loan association, profit sharing and pension trust, credit union, thrift company, insurance company, or receivership, which may be chartered by this state or any other state or by any agency of the United States.

II. The United States or any department, instrumentality, or agency thereof.

III. A state, county, city, or any other governmental agency or governmental subdivision of a state.

IV. Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or a state or governmental subdivision, agency, or instrumentality thereof.

V. Retailers issuing stored value credits or gift cards.

VI. Other persons not within the intent of this chapter as the commissioner may designate by rule or order.

399-G:5 License Application; Requirements; Investigation.

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its principal office and all authorized delegates located or to be located within the state, and a list of the principals of the applicant. Each principal and indirect owner shall provide their social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals or indirect owners has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the financial services industry or any aspect of the financial services business or has ever been convicted of any felony.

II.(a) The license issued for the licensee's principal place of business shall be referred to as a "principal office license." Each additional authorization to conduct business issued for money transmission occurring in a location in this state that is separate from the licensee's principal place of business shall be referred to as an "authorized delegate registration." If the applicant desires to transmit money in more than one location, the commissioner, upon favorable action on the applicant's principal office license, shall issue an "authorized delegate registration" for each location where the business of money transmission is to be conducted.

(b) Each license application shall be accompanied by a nonrefundable application fee of \$500 for each principal office and \$25 for each authorized delegate registration, up to a maximum annual fee of \$4,000. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

(c) Each applicant shall submit detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a money transmitter with financial integrity. The application shall include a statement of net worth in all cases and an applicant shall demonstrate and maintain a positive net worth computed in accordance with generally accepted accounting principles. Net worth statements

provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 399-G:13. Each money transmitter applicant shall post a continuous surety bond in the amount of \$100,000. The surety bond shall be payable to the state of New Hampshire and the bank commissioner of the state of New Hampshire for the benefit of any person who is damaged by any violation of this chapter and shall be conditioned upon the licensee's compliance with each provision of this chapter. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the principal within 6 years after the act upon which the recovery or suit is based. The obligations of the surety shall survive the bankruptcy, insolvency, liquidation, or reorganization of the licensee, including, without limitation, any bankruptcy, insolvency, liquidation, or reorganization commenced by or against the licensee under any applicable state or federal law, including the United States Bankruptcy Code.

(d) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on individuals who are indirect owners.

(e) The persons described in subparagraph (d) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(f) The department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(g) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

III. Every applicant for licensing under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any non-criminal suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous application need not file another. Any other person who engages in conduct regulated by this chapter shall be deemed to have appointed the commissioner as its agent. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(a) The plaintiff, who may be the attorney general in a suit, action, or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner; and

(b) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

IV. Upon the applicant's filing of the complete application and payment of the required fee, the commissioner shall have, in accordance with RSA 541-A:29, up to 120 days to investigate and determine whether the applicant's financial resources, experience, personnel, and record of past or proposed conduct warrant the public's confidence and the issuance of a license.

V. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

I. If the commissioner determines that the applicant meets the requirements of this chapter, then the commissioner shall issue a license and or registrations permitting the applicant to engage in the business of money transmission in accordance with the laws of this state.

II. Each license issued under the provisions of this chapter shall state the name and address of the principal office of the licensee. Each registration issued under the provisions of this chapter shall state the name and address of the authorized delegate location for which that registration is issued.

III. If a licensee is a person other than a natural person, the license issued to it shall entitle all officers, directors, members, partners, trustees, and employees of the licensee to engage in the business of money transmission; provided that one officer, director, member, partner, employee, or trustee of such person shall be designated in the license as the individual to be contacted for purposes of this chapter.

IV. If the licensee is a natural person, the license shall entitle all employees and authorized delegates of the licensee to engage in the business of money transmission.

V. A license or registration issued under this chapter shall not be transferable or assignable between persons without obtaining the approval of the commissioner before the assignment or transfer.

VI. Money transmitters, who sell or issue payment instruments or stored value, or receive money or monetary value for transmission to another location shall be liable to customers for the amount of money as well as any fees paid by the customer and received by the money transmitter, authorized delegate or person acting on his or her behalf, if the money fails to reach its intended recipient unless transmission to the recipient is prohibited by law.

399-G:7 License Denial; Appeal.

I. If the commissioner determines that the applicant fails to meet the requirements of this chapter, the commissioner shall immediately, in writing, notify the applicant of that determination.

II. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the commissioner adopted thereunder.

III. Applicants may petition the department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph II affirms a denial of a license application.

399-G:8 License or Registration Term; Renewal.

I. Each license or registration shall remain in force until it has been surrendered, revoked, or suspended, or expires in accordance with the provisions of this chapter. Each license or registration shall expire on December 31 of each calendar year.

II. If a person holds a valid license or registration under this section and is in compliance with this chapter and the rules thereunder, such licensee may renew the license or registration by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license or registration shall result in the license or registration terminating on December 31.

III. A renewal fee of \$500 for the principal office license and \$25 for each authorized delegate registration, up to a maximum annual fee of \$4,000, shall be submitted with the application for license renewal.

IV. No application for renewal shall be denied without reasonable cause and the right of appeal pursuant to RSA 541-A and RSA 541.

399-G:9 License Posting. It shall be unlawful to engage in the business of money transmission without a conspicuously posted license in the licensee's principal place of business within this state or a conspicuously posted registration in each of the licensee's authorized delegate offices within this state.

399-G:10 Change in Name; Ownership; Location.

I. No licensee shall conduct the business of a money transmitter under a trade or other name that is different from the name stated in its principal office license without immediately notifying the commissioner, who shall then amend the license and any registrations accordingly.

II. A licensee shall submit written notification to the department of the addition or deletion of a principal and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications

and business history. The licensee shall disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the money transmission industry or any aspect of the money transmission business or convicted of any felony, prior to the commissioner's approval of such change.

III. Licensees shall provide written notice to the department of any change in location or closing of any office no later than 30 business days following the effective date of such change of location or closing. In the case of an emergency, as determined by the commissioner, a licensee may close a registered authorized delegate office and provide notice of the closure to the department within 2 business days. Failure to comply with the provisions of this paragraph shall be sufficient cause for license revocation or denial of license renewal applications.

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application that will correct the information on file with the commissioner. An amendment shall be considered filed promptly if the amendment is filed within 30 days after the event that requires the filing of the amendment. Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.

399-G:11 License Surrender.

I. A licensee who ceases to engage in the business of a money transmitter at any time during a license year for any cause, including but not limited to bankruptcy, license revocation, or voluntary dissolution, shall surrender such license and office registrations, if any, in person or by registered or certified mail to the commissioner within 15 calendar days of such cessation of business, and shall cause to be published in a newspaper of general circulation in the licensee's market area a notice to such effect. The commissioner shall adopt rules, in accordance with RSA 541-A, relative to such notice.

II. Withdrawal of the surrendered license and office registrations, if any, shall become effective 30 days after receipt by the commissioner or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the license is surrendered or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the license is surrendered. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the commissioner by order determines. The commissioner may nevertheless institute a revocation or suspension proceeding under RSA 399-G:18 within one year after withdrawal became effective and may enter a revocation or suspension order as of the last date on which the license was effective.

III. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications and the imposition of penalties under RSA 399-G:21.

399-G:12 Record Keeping.

I. The licensee shall maintain such records as will enable the department to determine whether the licensee's business is in compliance with the provisions of this chapter and the rules adopted pursuant to this chapter. Such records shall be maintained and made available for examination at the licensee's principal office or its authorized delegate location or the office of its New Hampshire agent for a period of at least 5 years or longer if the commissioner prescribes a period by rule. Licensees may maintain photocopies, microfilm, or microfiche copies of original documents.

II. Those licensees that maintain their files in another state are required to return the files to their principal New Hampshire office or the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the department. Failure to provide files and documents shall subject a licensee to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department, shall be sufficient cause for license revocation, suspension, or denial.

III. A licensee shall keep and use business records in such form and at such location as the commissioner shall by rule determine. The records shall enable the commissioner to determine whether the licensee is complying with the provisions of this chapter, any rules adopted under it, and any other law, rule, or regulation applicable to the conduct of the business for which it is licensed under this chapter. The rules may contain provisions for records to be recorded, copied, or reproduced by any process which accurately reproduces or forms a durable medium for reproducing the original record or document, or in any other form or manner authorized by the commissioner. Nothing in this section shall be construed to permit any licensee to destroy original records or documents. Each licensee shall preserve all such business records for as long a period as the commissioner shall prescribe by rule.

399-G:13 Examinations.

I. The department may examine the business affairs and records of any licensee or any other person, whether licensed or not, as it deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the department may examine the books, accounts, records, files, and other documents or matters of any licensee or person. The department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

II. For the purpose of discovering violations of this chapter, the banking department may examine, during business hours, the records of any licensee and of any person by whom any such loan is made, whether such person shall be licensed to act, or claim to act, as principal, agent, or other representative, or under, or without the authority of this chapter; and for that purpose, the banking department shall have access to the books, papers, records, files, and vaults of all such persons. The banking department shall also have authority to examine, under oath, all persons whose testimony it may require relative to such loans or business.

III. The affairs and records of every licensee shall be subject at any time to such periodic, special, regular, or other examination by the banking department with or without notice to the licensee. All books, papers, files, related material, and records of assets of the licensee shall be subject to the banking department's examination.

IV. Any agent of the department may make a thorough examination into the business affairs of each licensee and shall report any violations of law, rule, or standard business practice to the department.

V. The expense of examination shall be chargeable to and paid by the licensee. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals and other expenses of examination personnel employed in making examinations, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

VI. The commissioner may, in his or her discretion, accept all or a part of a report of examination of a money transmitter, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

VII. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or his or her examiners, the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

VIII. Upon receipt of a written report of examination, the licensee shall have 30 days or such additional period as the commissioner for good cause may allow, to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

IX. If requested by the person examined, within the period allowed in paragraph VIII, or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in paragraph VIII.

X. All reports pursuant to this section shall be privileged and exempt from the requirements of RSA 91-A. The comments and recommendations of the examiner shall also be exempt.

399-G:14 Annual Report.

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the department.

II. A person who surrenders, withdraws, or does not renew a license shall file the annual report as required in paragraph I, notwithstanding the fact that he or she is not licensed on the date that the report is due.

III. Each licensee shall also file, under oath, its financial statement with the commissioner within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles with appropriate note disclosures. A money transmitter's financial statement shall include a balance sheet, income statement, statement of changes in owners' equity, a cash flow statement, and a statement of net worth. If the financial statement filed under this section is not audited, a certification statement shall be attached and signed by an authorized officer of the licensee. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.

IV. The department shall publish its analysis of the information required in the licensee's annual report as a part of the commissioner's annual report.

V. Any money transmitter failing to file either the annual report or the financial statement required by this section within the time prescribed may be required to pay to the banking department a penalty of \$25 for each calendar day the annual report or financial statement is overdue up to a maximum penalty of \$2,500 per report or statement.

VI. In addition to the annual report and financial statement, the banking department may require such additional regular or special reports as it may deem necessary to the proper supervision of licensees under this chapter.

VII. Any officer, owner, manager, or agent of any licensee and any person controlling or having a contract under which he or she has a right to control such a licensee, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a licensee's affairs, shall reply promptly in writing, or in other designated form, to any written inquiry from the commissioner requesting a reply. The commissioner may require that any communication made to him or her under this section be verified.

399-G:15 Money Laundering Reports.

I. Licensees shall file with the commissioner copies of all reports required by federal currency reporting, record keeping, and suspicious transaction reporting requirements as set forth in 31 U.S.C. section 5313, 31 C.F.R. part 103, and other federal and state laws pertaining to money laundering with regards to money transmission transactions in this state.

II. The timely filing of a complete and accurate report required by paragraph I with the appropriate federal agency is compliance with the requirements of this section, unless the commissioner notifies the licensee that reports of this type are not being regularly and comprehensively transmitted by the federal agency to the commissioner.

399-G:16 Advertising. No licensee or other person shall advertise, print, display, publish, distribute, or broadcast, or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner whatsoever, any statement or representation with regard to the rates, terms, or conditions for money transmission under the provisions of this chapter which is false, misleading, or deceptive.

399-G:17 Consumer Inquiries.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is received by the commissioner.

III.(a) Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

399-G:18 License Revocation; Suspension.

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked, suspended, or penalties imposed, or both, for violations of this chapter. The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order. The commissioner may by order summarily postpone or suspend any license or application pending final determination of any order to show cause, or other order, or of any other proceeding under this section, provided the commissioner finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the commissioner shall promptly notify the respondent, applicant, or licensee that the order has been entered and of the reasons for the order and that within 10 calendar days after receipt of a written request the matter will be scheduled for hearing. Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee, or respondent, to an officer, director, 5 percent or more owner, member, partner, or legal representative of the licensee or respondent. If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the thirtyfirst day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown. A hearing, if requested shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner, after which and within 20 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or respondent fails to request a hearing within 30 calendar days of receipt or valid delivery of such order or fails to appear at a hearing after being duly notified, or cannot be located after a reasonable search, such person shall be deemed in default and the proceeding may be decided against the person upon consideration of the order to show cause or other order, the allegations of which may be deemed to be true. The commissioner may by order, upon due notice and opportunity for hearing, assess penalties or deny, suspend, or revoke a license or application if it is in the public interest and the applicant, respondent, or licensee, any partner, officer, member, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, respondent, or licensee:

(a) Has violated any provision of this chapter or rules thereunder;

(b) Has not met the standards established in this chapter;

(c) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(d) Has made a false or misleading statement to the commissioner or in any reports to the commissioner;

(e) Has made fraudulent misrepresentations, has circumvented or concealed, through whatever subterfuge or device, any of the material particulars or the nature thereof required to be stated or furnished to a consumer under the provisions of this chapter;

(f) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending, or revoking licenses or registration;

(g) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of money transmission, lending, or collection activities;

(h) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity;

(i) Has engaged in dishonest or unethical practices in the conduct of the business of money transmission;

- (j) Has violated applicable federal laws or rules thereunder;
- (k) Has made an unsworn falsification under RSA 641:3 to the commissioner; or
- (l) For other good cause shown.

II. The banking department may, upon due notice and opportunity for a hearing, suspend any license for a period not exceeding 30 days, pending investigation by the banking department.

III. Any license revocation, license suspension, or unfavorable action by the banking department on a license shall further comply with the provisions of RSA 541-A:30.

IV. The banking department may take action for immediate suspension of a license, pursuant to RSA 541-A:30, III.

V. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual.

VI. If the commissioner finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a money transmitter, or cannot be located after reasonable search, the commissioner may by order revoke the license, impose penalties, or deny the application. The commissioner may deem abandoned and withdraw any application for licensure made pursuant to this chapter, if any applicant fails to respond in writing within 180 calendar days to a written request from the commissioner requesting a response. Such request shall be sent via certified mail to the last known address of the applicant that is on file with the commissioner.

399-G:19 Violations.

I. The department may issue and serve upon any licensee or person over whom it has jurisdiction a complaint setting forth charges whenever the department is of the opinion that the licensee or person is violating or has violated any provision of this chapter or any rule or order under this chapter.

II. The department may issue a cease and desist order against any person who it has reasonable cause to believe is in violation of the provisions of this chapter or any rule or order under this chapter. Delivery of such order shall be by hand or registered mail at the principal office of the person. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the commissioner. Within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent. All hearings shall comply with RSA 541-A. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

399-G:20 Administration by Commissioner; Rulemaking.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. Pursuant to RSA 541-A, the commissioner may adopt such rules as he or she deems necessary to the administration and enforcement of this chapter. Such rules shall be consistent with the provisions of this chapter, and may include, but shall not be limited to, the following:

- (a) The application form for licensees required under RSA 399-G:5.
- (b) The form of license issued to licensees under RSA 399-G:6.
- (c) Annual reports required by RSA 399-G:14.
- (d) Personal disclosure statements to meet the requirements of RSA 399-G:5.
- (e) Fees to be charged to cover the reasonable costs of copying documents and producing reports.

III. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this title.

IV. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.

V. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.

VI. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the provisions of this chapter.

VII. In adopting rules, preparing forms, setting standards, and in performing examinations, investigations, and other regulatory functions authorized by the provisions of this chapter, the commissioner may cooperate, and share information pursuant to confidentiality agreements, with regulators in this state and with regulators in other states and with federal regulators, in order to implement the policy of this chapter in an efficient and effective manner and to achieve maximum uniformity in the form and content of applications, reports, and requirements for money transmitters, where practicable.

399-G:21 Penalty.

I. Any person who violates any provision of this chapter shall be guilty of a misdemeanor for each violation if a natural person, or guilty of a felony for each violation if any other person.

II. Any person who knowingly violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to license suspension or revocation, or imposition of an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to suspension or revocation.

III. Any person who negligently violates any rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to license suspension, revocation, or denial, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to suspension or revocation.

IV. Any person who, either knowingly or negligently, violates any provision of this chapter may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to license suspension, revocation or denial, including forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. An administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

V. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act constituting the violation, and every licensee or person acting as a common law agent who materially aids in the acts constituting the violation, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to license suspension, revocation, or denial, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$2,500, or both. An administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

399-G:22 Records and Filings.

I. A document is filed when it is received by the commissioner. If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

II. Electronic filings, when received by the commissioner, are deemed filed, are prima facie evidence that a filing has been duly authorized and made by the signatory on the application or document, are admissible in any civil or administrative proceeding under this chapter, and are admissible in evidence in accordance with the rules of superior court in any action brought by the attorney general under this chapter.

III. A licensee may maintain its records in electronic format if, upon request, the licensee provides the commissioner with:

- (a) A full explanation of the programming of any data storage or communications systems in use; and
- (b) Information from any books, records, electronic data processing systems, computers, or any other information storage system in the form requested by the commissioner.

36 Definitions. Amend RSA 399-A:1, X to read as follows:

X. "Payday loan" means a small, shortmaturity loan on security, ***regardless of cancel ability under Regulation E and regardless of any other law that may govern this transaction, in the form, of:***

- (a) A check;
- (b) Any form of assignment of an interest in the account of an individual or individuals at a depository institution; [or]
- (c) Any form of assignment of income payable to an individual or individuals; ***or***
- (d) Any payment authorization that allows a person to debit the account of an individual or individuals at a depository institution.***

37 Banking Department; Positions Established. The following classified positions are hereby established in the banking department:

- I. One bank examiner trainee, labor grade 21.
- II. One program specialist I, labor grade 19.
- III. One paralegal II, labor grade 19.

38 Effective Date.

- I. Section 35 of this act shall take effect January 1, 2007.
- II. The remainder of this act shall take effect 60 days after its passage.

2006-1885s

AMENDED ANALYSIS

This bill makes certain changes relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

This bill requires the banking commission to license money transmitters.

This bill was requested by the banking department.

Amendment adopted.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

May 1, 2006

2006-2110s

09/10

Floor Amendment to HB 1126

Amend the bill by replacing section 38 with the following:

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster (Rule #42) on HB 1126.

HB 1192, relative to property and casualty insurance. Banks and Insurance Committee. Ought to pass with amendment, Vote 6-0. Senator Roberge for the committee.

Banks and Insurance
April 18, 2006
2006-1865s
01/03

Amendment to HB 1192

Amend RSA 416-A:8-a, I as inserted by section 10 of the bill by replacing it with the following:

I. Compensation by a title insurance company of an attorney who is licensed to practice for services actually rendered in connection with a real estate transaction, regardless of whether such attorney represents a client in such real estate transaction.

2006-1865s

AMENDED ANALYSIS

This bill makes certain changes in the insurance laws relative to property and casualty insurance.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster (Rule #42) on HB 1192.

Senator Gottesman (Rule #42) on HB 1192.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel. Banks and Insurance Committee. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7
May 2, 2006
2006-2156s
10/04

Floor Amendment to HB 1194

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

AN ACT relative to job protection for firefighters, rescue workers, and emergency medical personnel, and relative to health insurance claim review and the qualifications and responsibilities of a medical director.

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

2 Accident and Health Insurance; Minimum Standards for Claim Review. Amend RSA 415-A:4-a, I(c) to read as follows:

(c) The notification of a claim denial, ***including the denial of a pre-service claim***, shall be communicated in writing or by electronic means and shall include:

(1) The specific reason or reasons for the determination and shall refer to ***and restate*** the specific provision of the policy or plan on which the determination is based;

(2) A statement of the claimant's or the representative of the claimant's right to access the internal grievance process and the process for obtaining external review. [~~The notification shall also include a written explanation of any claim denial and the relevant clinical rationale used to make the claim denial.~~];

(3) If the claim denial is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate, [~~the licensee shall include with the notification~~] ***or if the claim denial is otherwise based, in whole or in part, on medical judgment:***

(A) The name and credentials of the carrier or other licensed entity[;] ***and*** the medical director, including board status and the state or states where the [person] ***medical director*** is currently licensed. If the person making the claim denial is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person[~~. Nothing in this section shall be construed to require a carrier or other licensed entity to provide proprietary information protected by third-party contracts~~];

(B) A statement that the medical director, or designee, has reviewed the available medical documentation, notes of the attending physician, test results, and all other relevant medical records of the claimant; and

(C) An explanation of the scientific or clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and shall clearly show, by reference to the claimant's medical records, how these provisions apply to the claimant's specific medical circumstances;

~~[(3)]~~ (4) If an internal rule, guideline, protocol, or other similar provision was relied upon in making the benefit determination, ~~[a reference to the specific rule, guideline, protocol, or other similar provision; and]~~ a statement that such ~~[a]~~ rule, guideline, protocol, or other similar provision was relied upon in making the claim denial and ~~[that]~~ a copy of such rule, guideline, protocol, or other provision ~~[will be provided free of charge to the claimant or claimant's representative upon request];~~

~~[(4) If the claim denial is based on a medical necessity or experimental treatment or other similar exclusion or limit, an explanation of the scientific or clinical judgment for the determination, applying the terms of the plan or the policy to the claimant's medical circumstances;]~~

(5) If clinical review criteria ~~[was]~~ **were** relied upon in making the benefit determination, ~~[a reference to the specific clinical review criteria],~~ a statement that such clinical review criteria ~~[was]~~ **were** relied upon in making the claim denial~~;~~ and a copy of the clinical review criteria ~~[shall be provided free of charge to the claimant or the claimant's representative, upon request].~~ ~~[If a copy of the clinical review criteria is requested,]~~ The clinical review criteria shall be accompanied by the following notice: "The materials provided to you are criteria used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract;" ~~[and]~~

(6) A description of the plan's grievance procedures and the time limits applicable to such procedures. In the case of a denial of a benefit concerning a claim involving urgent care or in the case of a denial of a claim related to continuation of an ongoing course of treatment for a person who has received emergency services, but who has not been discharged from a facility, a description of the expedited review applicable to such a claim shall be included in the determination. For all other claim benefit determinations, a description of the grievance process shall be specifically described in the determination.

3 Accident and Health Insurance; Appeal Procedure. Amend RSA 415-A:4-b, V(a) to read as follows:

(a) The carrier or other licensed entity shall provide a claimant with a written determination of the appeal that shall include:

(1) The specific reason or reasons for the determination, including reference to ***and a statement of the specific provision[, rule, protocol, or guideline] of the policy or plan*** on which the determination is based;

(2) ~~[A statement that the rule, protocol, or guideline governing the appeal will be provided without charge to the claimant upon request;]~~ ***If the determination is based upon a finding that the claim is experimental or investigational or not medically necessary or appropriate, or if the determination is otherwise based, in whole or in part, on medical judgment:***

(A) The name and credentials of the person reviewing the grievance, including board status and the state or states where the person is currently licensed;

(B) A statement that the person reviewing the grievance has reviewed the available medical documentation, notes of the attending physician, test results, and all other relevant medical records of the claimant; and

(C) An explanation of the scientific or clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and shall clearly show, by reference to the claimant's medical records, how these provisions apply to the claimant's specific medical circumstance;

(3) A statement describing all other dispute resolution options available to the claimant, including, but not limited to other options for internal review and options for external review, and options for bringing a legal action;

(4) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits;

(5) If an internal rule, guideline, protocol, or other similar ~~[criterion]~~ **provision** was relied upon in making the claim denial, ~~[either the specific rule, guideline, protocol, or other similar criterion; or]~~ a statement that such rule, guideline, protocol, or other similar ~~[criterion]~~ **provision** was relied upon in making the claim denial~~;~~ and ~~[that]~~ a copy of the rule, guideline, protocol, or other similar ~~[criterion will be provided free of charge to the claimant upon request]~~ **provision**;

(6) ~~[If the claim denial is based on a medical necessity or experimental treatment or similar exclusion or limit, either an explanation of the scientific or clinical judgment for the denial, applying the terms of the plan to the claimant's medical circumstances, or a statement that such explanation will be provided free of charge upon request;]~~ **If clinical review criteria were relied upon in making the benefit determination, a statement that such clinical review criteria were relied upon in making the benefit determination and a copy of the clinical review criteria. The clinical review criteria shall be accompanied by the following notice: "The materials provided to you are criteria used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract;"**

(7) The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor Office and your state insurance regulatory agency;" and

(8) A statement describing the claimant's right to contact the insurance commissioner's office for assistance which shall include a toll-free telephone number and address of the commissioner.

4 Licensure of Medical Utilization Review Entities; Notification of Claim Denials. Amend RSA 420-E:4, V to read as follows:

V. The manner and content of notification of claim benefit determinations shall be as follows:

(a) The licensee shall notify the claimant or claimant's representative in writing or electronically of the claim determination.

(b) **If the claim benefit determination is a claim denial, the notice shall include:**

(1) The ~~[notification shall state the]~~ specific reason or reasons for the determination and shall refer to **and restate** the specific provision of the policy or plan on which the determination is based.

~~[(c) The notification shall include]~~ (2) A statement of the claimant's right or the right of the claimant's representative to access the internal grievance process and the process for obtaining external review. ~~[The notification shall also include a written explanation of any claim denial and the relevant clinical rationale used to make the claim denial.]~~

(3) If the claim denial is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate, ~~[the licensee shall include with the notification]~~ **or if the claim denial is otherwise based, in whole or in part, on medical judgment:**

(A) The name and credentials of the carrier or other licensed entity~~;~~ **and** the medical director, including board status and the state or states where the ~~[person]~~ **medical director** is currently licensed. If the person making the claim denial is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person~~[-Nothing in this section shall be construed to require a carrier or other licensed entity to provide proprietary information protected by third party contracts.];~~

(B) **A statement that the medical director, or designee, has reviewed the available medical documentation, notes of the attending physician, test results, and all other relevant medical records of the claimant; and**

(C) **An explanation of the scientific or clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and shall clearly show, by reference to the claimant's medical records, how these provisions apply to the claimant's specific medical circumstances;**

~~[(d)]~~ (4) If an internal rule, guideline, protocol, or other similar provision was relied upon in making the benefit determination, ~~[the determination shall reference the specific rule, guideline, protocol, or~~

~~other similar provision; and shall include~~ a statement that such [a] rule, guideline, protocol, or other similar provision was relied upon in making the claim denial and ~~[that] a copy of such rule, guideline, protocol, or other provision [will be provided free of charge to the claimant or claimant's representative upon request];~~

~~[(e) If the claim denial is based on a medical necessity or experimental treatment or other similar exclusion or limit, the determination shall include an explanation of the scientific or clinical judgment for the determination, applying the terms of the plan or the policy to the claimant's medical circumstances.~~

~~[(f)]~~ (5) If clinical review criteria ~~[was]~~ **were** relied upon in making the benefit determination, ~~[a reference to the specific clinical review criteria,]~~ a statement that such clinical review criteria ~~[was]~~ **were** relied upon in making the claim denial~~[-]~~ and a copy of the clinical review criteria ~~[shall be provided free of charge to the claimant or claimant's representative, upon request. Any disclosure of].~~ **The** clinical review criteria shall be accompanied by the following notice: "The materials provided to you are criteria used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract~~[-]~~;"

~~[(g)]~~ (6) **A description of the plan's grievance procedures and the time limits applicable to such procedures.** In the case of a denial of a benefit concerning a claim involving urgent care or in the case of a denial of a claim related to continuation of an ongoing course of treatment for a person who has received emergency services, but who has not been discharged from a facility, a description of the expedited review applicable to such a claim shall be included in the determination. For all other claim benefit determinations, a description of the grievance process shall be specifically described in the determination.

5 Utilization Review; Responsibilities of Medical Director. Amend RSA 420-J:6, V to read as follows:

V. Each health carrier that conducts utilization review shall employ a medical director who shall ***be licensed to practice medicine under RSA 329 and who shall*** have responsibility for all utilization review techniques and methods and their administration and implementation ***and for ensuring compliance with all statutory and regulatory standards for the internal grievance process for reviewing claim denials, including denials of pre-service claims. The medical director shall ensure that any decision not to authorize coverage that is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate or that is otherwise based, in whole or in part, on medical judgment is only made after review of the available medical documentation, notes of the attending physician, test results, and all other relevant medical records of the claimant by a person who possesses the education, training, and expertise to evaluate the medical condition of the claimant.*** Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as creating any civil liability ~~[to]~~ ***of*** the medical director for the medical director's alleged negligent performance of the aforementioned responsibilities for utilization review.

6 Utilization Review; Responsibilities of Medical Director. Amend RSA 420-E:2-a to read as follows:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329 or, in the case of a dental utilization review entity, a dentist licensed under RSA 317-A. ***The medical director shall have responsibility for all utilization review techniques and methods and their administration and implementation and for ensuring compliance with all statutory and regulatory standards for the internal grievance process for reviewing claim denials, including denials of pre-service claims. The medical director shall ensure that any decision not to authorize coverage that is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate or that is otherwise based, in whole or in part, on medical judgment is only made after review of the available medical documentation, notes of the attending health care provider, test results, and all other relevant medical records of the claimant by a person who possesses the education, training, and expertise to evaluate the medical condition of the claimant. Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as creating any civil liability of the medical director for the medical director's alleged negligent performance of the aforementioned responsibilities for utilization review.***

7 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

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

2006-2156s**AMENDED ANALYSIS**

This bill gives firefighters, rescue workers, and emergency medical personnel the right to take leave without pay from a place of employment when mobilized after the governor has declared a state of emergency unless certified as essential to an employer's emergency relief efforts.

This bill also clarifies the procedures for medical insurance claim denials, and clarifies the qualifications and responsibilities of a medical director employed for the purposes of utilization review.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Martel is in favor of the floor amendment #2156 on HB 1194.

HB 1278, increasing the fine for violating certain laws relative to labor. Banks and Insurance Committee. Ought to Pass, Vote 5-0, Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. Banks and Insurance Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 1570, relative to health insurance coverage for part-time college students. Banks and Insurance Committee. Interim Study, Vote 5-0. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 1570 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1570, relative to health insurance coverage for part-time college students.

HB 1588, relative to unemployment compensation requirements for governmental and non-profit employers. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 1751, relative to penalties for failure to have workers' compensation coverage. Banks and Insurance Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Senator Gallus offered a floor amendment.

Sen. Gallus, Dist. 1

April 24, 2006

2006-1996s

06/09

Floor Amendment to HB 1751

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

AN ACT relative to penalties for failure to have workers' compensation coverage and relative to eligibility for unemployment benefits.

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

2 Total and Partial Unemployment. Amend RSA 282-A:14, III as inserted by section 2 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) When an individual's regular weekly earnings equal or exceed 130 percent of the individual's maximum weekly benefit amount, the commissioner may for good cause, in accordance with the rules of the commissioner, extend the number of weeks to which the individual's wages are applied, thereby applying wages of less than 130 percent of such individual's maximum weekly benefit amount to each week for which the individual has claimed benefits.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2007.

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

2006-1996s

AMENDED ANALYSIS

This bill allows the commissioner of labor to assess a civil penalty for each day an employer does not have workers' compensation coverage.

This bill also allows wages to be applied to additional weeks to allow receipt of partial or total unemployment benefits by a claimant who would otherwise be ineligible.

MOTION TO TABLE

Senator Clegg moved to have HB 1751 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1751, relative to penalties for failure to have workers' compensation coverage.

HB 1752, requiring notice regarding the classifications of employee and independent contractor. Banks and Insurance Committee. Ought to Pass, Vote 3-0. Senator Barnes for the committee.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

May 3, 2006

2006-2149s

06/09

Floor Amendment to HB 1752

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

AN ACT requiring notice regarding the classifications of employee and independent contractor and relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

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

2 Procuring Employment; Imposition of Conditions; Definition of Employee Changed. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision any person who performs services for pay for an employer is presumed to be an employee. This presumption may be rebutted as specified below. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who is deemed an independent contractor upon consideration of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to a completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person incurs in the first instance the main expenses related to the service or work performed.

(i) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(j) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(k) The person is not required to work exclusively for the employer.

3 New Paragraphs; Independent Contractor. Amend RSA 275:4 by inserting after paragraph II the following new paragraphs:

III. The factors set forth in subparagraphs II(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs II(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

IV. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may be established by a written agreement, as set forth below, when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs II(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor

VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent
Contractor: _____

Federal Employer Tax ID. #
Or Social Security Number: _____

Brief Description of
Service(s) you are Providing: _____

Service(s) Are Being Provided
To: Name and Address Of
Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer."

4 Payment of Wages; Definition of Employee Changed. RSA 275:42, II is repealed and reenacted to read as follows:

II. Any person who performs services for pay for an employer is presumed to be an employee. This presumption may be rebutted as specified below. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who is deemed an independent contractor upon consideration of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to a completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person incurs in the first instance the main expenses related to the service or work performed.

(i) The person is responsible for satisfactory completion of work and may be held contractually liable for failure to complete the work.

(j) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(k) The person is not required to work exclusively for the employer.

5 New Paragraphs; Independent Contractor. Amend RSA 275:42 by inserting after paragraph II the following new paragraphs:

II-a. The factors set forth in subparagraphs II(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs II(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

II-b. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs II(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor

VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of

Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

 Signature of Independent Contractor

 Signature of Business/Entity

 Print Name of Independent Contractor

 Print Name of Business/Entity

 Date

 Fed ID # or Soc. Sec. #

 Date

 Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer."

6 Whistleblowers' Protection Act; Definition of Employee Changed. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. Any person who performs services for pay for an employer is presumed to be an employee. This presumption may be rebutted as specified below. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who is deemed an independent contractor upon consideration of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to a completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person incurs in the first instance the main expenses related to the service or work performed.

(i) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(j) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(k) The person is not required to work exclusively for the employer.

7 New Paragraphs; Independent Contractor. Amend RSA 275-E:1 by inserting after paragraph I the following new paragraphs:

I-a. The factors set forth in subparagraphs I(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs I(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

I-b. Prima facie evidence that the criteria prescribed in subparagraphs I(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs I(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs I(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor

VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of

Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer."

8 Minimum Wage Law; Definition of Employee Changed. RSA 279:1, X is repealed and reenacted to read as follows:

X. Any person who performs services for pay for an employer is presumed to be an employee. This presumption may be rebutted as specified below. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VII(b) or any person who is deemed an independent contractor upon consideration of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to a completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person incurs in the first instance the main expenses related to the service or work performed.

(i) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(j) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(k) The person is not required to work exclusively for the employer.

9 New Paragraphs; Independent Contractor. Amend RSA 279:1 by inserting after paragraph X the following new paragraphs:

X-a. The factors set forth in subparagraphs X(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs X(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

X-b. Prima facie evidence that the criteria prescribed in subparagraphs X(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs X(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs X(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor

VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of

Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

(a) I have a federal employer tax identification number or social security number as listed above.

(b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.

(c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.

(d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.

(e) I am in business for myself.

(f) The success or failure of my business depends upon the relationship of receipts to expenditures.

(g) I have continuing or recurring business liabilities or obligations.

(h) I am responsible for the expenses related to the service or work performed.

(i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.

(j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.

(k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer."

10 Workers' Compensation; Definition of Employee Changed. RSA 281-A:2, VI(b)(1) is repealed and reenacted to read as follows:

(b)(1)(A) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual is deemed an independent contractor upon consideration of the following criteria:

(i) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(ii) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(iii) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to a completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(iv) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(v) The person holds himself or herself out to be in business for himself or herself.

(vi) The person has continuing or recurring business liabilities or obligations.

(vii) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(viii) The person incurs in the first instance the main expenses related to the service or work performed.

(ix) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(x) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(xi) The person is not required to work exclusively for the employer.

(B) The factors set forth in subparagraphs VI(b)(1)(A)(i)-(xi) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs VI(b)(1)(A)(i)-(xi) that exist in a given case, the more likely the individual will be deemed an independent contractor.

11 Workers' Compensation; Definition of Employee; Reference Changed. RSA 281-A:2, VI(c) is repealed and reenacted to read as follows:

(c) Prima facie evidence that the criteria prescribed in RSA 281-A:2, VI(b)(1)(A)(i)-(xi) have been met may be established by a written agreement as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs VI(b)(1)(A)(i)-(v). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs VI(b)(1)(A)(i)-(xi) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor

VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor:_____

Federal Employer Tax ID. #

Or Social Security Number:_____

Brief Description of

Service(s) you are Providing:_____

Service(s) Are Being Provided

To: Name and Address Of

Business/Entity_____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500 on the employer."

12 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2006-2149s

AMENDED ANALYSIS

This bill requires that information about the classification of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice in every place of employment.

This bill creates a uniform definition of employee and clarifies the criteria for exempting a worker from employee status.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1343, relative to the duties of the council on resources and development. Capital Budget. Ought to pass with amendment. Vote 3-0. Senator Clegg for the committee.

Capital Budget

April 18, 2006

2006-1870s

10/09

Amendment to HB 1343

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

AN ACT relative to the duties of the council on resources and development, and making bonded appropriations to the department of environmental services and the New Hampshire veterans' home.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 10:

7 Department of Environmental Services; Capital Appropriation; Bonds Authorized.

I. The sum of \$610,000 is hereby appropriated to the department of environmental services for the fiscal year ending June 30, 2007 for the purpose of completing the department of environmental services e-permitting database. The appropriation is in addition to any other sums appropriated to the department and shall be nonlapsing.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$610,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

8 Veterans Home; Capital Appropriations. The following sums are appropriated to the New Hampshire veterans' home for the following purposes:

I. Recreation room storm repairs	\$ 36,000
Less federal	<u>-27,000</u>
Net state appropriation	\$ 9,000
II. Recreation room renovation	\$ 257,100
Less federal	<u>-167,115</u>
Net state appropriation	\$ 89,985

9 Bonds Authorized. To provide funds for the appropriations made in section 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$98,985 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

2006-1870s**AMENDED ANALYSIS**

This bill:

I. Requires the council on resources and development to give advice, rather than approval, prior to the disposal of state-owned lands.

II. Removes the binding effect of the council's recommendations relative to coordination of member agencies.

III. Requires the council to provide the legislature and governor and council with copies of the council's meeting minutes.

IV. Requires the New Hampshire housing finance authority to obtain the approval of the long-range capital planning and utilization committee, with advice from the council on resources and development, and final approval by the governor and council, prior to the transfer of lands under the surplus lands housing program.

V. Makes a bonded appropriation to the department of environmental services for completing the e-permitting database.

VI. Makes a bonded capital appropriation to the New Hampshire veterans' home for repairs and renovations.

Amendment adopted.

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

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**

HB 627-FN, relative to including persons 17 years old in the juvenile justice system.

HB 645-FN, relative to fire-safer cigarettes.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

HB 1167-FN-A, making an appropriation to the land and community heritage investment program.

HB 1192, relative to property and casualty insurance.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

HB 1241-FN-L, extending the kindergarten construction aid program.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor.

HB 1278, increasing the fine for violating certain laws relative to labor.

HB 1315, relative to the definition and classification of dams.

HB 1337, establishing the amusement ride safety advisory board.

HB 1343, relative to the duties of the council on resources and development

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

HB 1458-FN, relative to the regulation of landscape architects.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions.

HB 1588, relative to unemployment compensation requirements for governmental and non-profit employers.

HB 1590-FN, relative to the pari-mutuel commission.

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

HB 1611-FN, relative to reimbursement for personal care services.

HB 1624-FN, relative to boat noise.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund.

HB 1672-FN, relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens.

HB 1696-FN, relative to the cremation of human remains.

HB 1697-FN, relative to certain state salaries.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.

HB 1735-FN, relative to awarding the state employees' health insurance plan.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

ANNOUNCEMENTS

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.