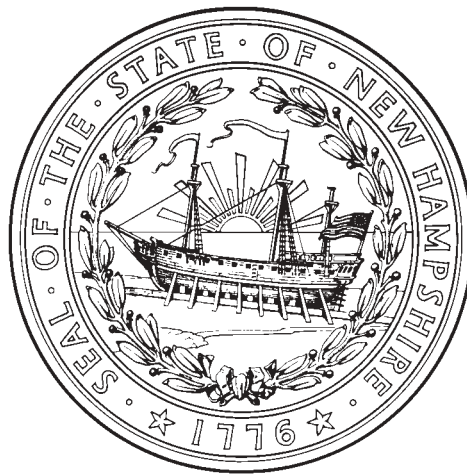


May 4, 2006
Nos. 13 - 14

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 3, 2006 SESSION
COMMENCEMENT – MAY 4, 2006 SESSION

SENATE JOURNAL 13 (*Cont.*)

May 3, 2006

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 391, relative to election affidavits.

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 PAUs 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 1111, designating the pumpkin as the New Hampshire state fruit.

HB 1155, creating a violation for failure to pay a highway toll.

HB 1172-FN, relative to registration of political committees.

HB 1174, requiring that voters who request a secret ballot be present at the town meeting.

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 1307, relative to application requirements for motor vehicle recycling yard licenses.

HB 1320, relative to penalties for planning and zoning violations.

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

HB 1394, relative to determination of value of property in current use.

HB 1652-FN, relative to certain insurance claims.

HB 1673-FN, relative to the reduction of mercury emissions.

HB 1709-FN, establishing an autism registry in the department of health and human services.

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles.

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors.

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

HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research.

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.

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

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

Senator Clegg moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 14

May 4, 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.

Gracious God, You have identified each of us with the unique imprint of Your goodness and with the astonishing responsibility of free will. Remind us endlessly of the priceless value You see in each one of us, and give us the wisdom and temperance to exercise our freedom primarily in service. Amen

Senator Larsen led the Pledge of Allegiance.

Senator D'Allesandro is excused for the day.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 1113, adding a definition of “public academy” to the definition of “high school”. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Eaton for the committee.

Senate Education

April 18, 2006

2006-1858s

04/01

Amendment to HB 1113

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

AN ACT adding a definition of “public academy” to the definition of “high school”; relative to the membership of the state advisory committee on the education of children/students with disabilities; and amending the definition of “limited English proficient pupil.”

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4, respectively:

2 New Subparagraphs; State Advisory Committee on the Education of Children/Students with Disabilities. Amend RSA 186-C:3-b, II by inserting after subparagraph (q) the following new subparagraphs:

(r) An official who carries out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq.

(s) A representative from the department of health and human services responsible for foster care.

3 School Money; Definitions. Amend RSA 198:38, VII to read as follows:

VII. “Limited English proficient pupil” means an annual count of pupils in kindergarten through grade 12 receiving instruction in English for speakers of other languages for 5 or more [hours] **sessions** per week. **A session is defined as not less than 40 minutes.** Pupils shall be counted and attributed to the municipality or municipalities operating the school attended by the pupils.

2006-1858s

AMENDED ANALYSIS

This bill:

I. Adds a definition of “public academy” to the definition of “high school.”

II. Adds members to the state advisory committee on the education of children/students with disabilities.

III. Changes the definition of "limited English proficient pupil."

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster (Rule #42) on HB 1113.

HB 1157, relative to the definition of a sending district. Education Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. Education Committee. Ought to Pass, Vote 4-0. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Bragdon moved to have HB 1539 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.

HB 1289, relative to Pennichuck Brook and its watershed. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Clegg (Rule #42) on HB 1289.

Senator Foster (Rule #42) on HB 1289.

Senator Gottesman (Rule #42) on HB 1289.

HB 1534, relative to maintaining construction and demolition debris as a solid waste. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 4-1. Senator Bragdon for the committee.

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

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

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

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

Yeas: 16 - Nays: 7

Committee report of inexpedient to legislate is adopted.

HB 1627, relative to the assessment of open space land. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 4-1. Senator Burling for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers. Energy and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 1758, classifying biodiesel as a renewable energy source. Energy and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Energy and Economic Development

April 19, 2006

2006-1892s

03/10

Amendment to HB 1758

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

AN ACT classifying bio-oil, bio synthetic gas, and biodiesel as renewable energy sources and relative to taxation of renewable generation facilities.

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

1 Limited Electrical Energy Producers; Definitions; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 362-A:1-a, I to read as follows:

I. "Bio-oil" means a liquid renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-a. "Bio synthetic gas" means a gaseous renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-b. "Biodiesel" means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, and meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751.

I-c. "Cogeneration facility" means a facility which produces electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes.

2 Limited Electrical Energy Producers; Definitions; Small Power Production Facility; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 362-A:1-a, X to read as follows:

X. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, bio-oil, bio synthetic gas, biodiesel, or any combination thereof and which has a power production capacity which, together with any other facility located at the same site, as determined by the commission, is not greater than 30 megawatts.

3 Renewable Energy; Bio-Oil, Bio Synthetic Gas, and Biodiesel Added. Amend RSA 374-F:3, V(f)((3) to read as follows:

(3) For purposes of subparagraph (f), "renewable energy" means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, energy generated from bio-oil, bio synthetic gas, and biodiesel as defined in RSA 362-A:1-a, I, I-a, and I-b, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

4 Land Use Planning; Utility Structures; Reference Changed. Amend RSA 674:30, IV to read as follows:

IV. Except for small power production facilities, as defined in RSA 362-A:1-a, X, and cogeneration facilities, as defined in RSA 362-A:1-a, [F] I-c, owned and operated by a New Hampshire franchised utility, small power production facilities and cogeneration facilities shall not be considered to be public utilities under this section and may not petition the public utilities commission for an exemption from the operation of any regulation under this subdivision.

5 Revenue Administration; Duties of Commissioner; Reference Added. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, [and] 72:70, and 72:74 by adding to or deducting from the aggregate valua-

tion of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

6 Property Tax Exemption; Adoption Procedure; Reference Added. Amend the introductory paragraph of RSA 72:27-a, I to read as follows:

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, [or], RSA 72:70, **or RSA 72:74** in the following manner:

7 Definitions; Reference Added. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, [and], 70, **and 74**, the ownership of real estate, as expressed by such words as "owner," "owned," or "own," shall include those who have equitable title or the beneficial interest for life in the subject property.

8 Application for Tax Exemption; Reference Added. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, [and] 70, **and 74** unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

9 Appeal from Refusal to Grant; Reference Added. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, [42-] 62, 66, [or] 70, **or 74** the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

10 New Subdivision; Exemption for Renewable Generation Facilities. Amend RSA 72 by inserting after section 72 the following new subdivision:

Exemption for Renewable Generation Facilities

72:73 Definition of Renewable Generation Facility. In this subdivision, "renewable generation facility" means a facility which produces electric energy for resale solely by the use, as a primary energy source, of geothermal, hydro, wind, solar, or biomass energy, or any combination thereof.

72:74 Exemption for Renewable Generation Facilities; Procedure for Adoption. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a renewable generation facility.

72:75 Application for Exemption. Applications for exemptions under RSA 72:74 shall be governed by the provisions of RSA 72:33, 72:34, and 72:34-a.

72:76 Payment in Lieu of Taxes.

I. The owner of a renewable generation facility and the municipality in which the facility is located may enter into a voluntary agreement to make a payment in lieu of taxes.

II. When negotiating a voluntary agreement to make a payment in lieu of taxes, the owner and the municipality shall negotiate in good faith and give due consideration to all factors that may be relevant to determining a fair payment.

III. A renewable generation facility subject to a payment in lieu of taxes under this section shall remain subject to the laws governing the utility property tax under RSA 83-F.

IV. If a municipality that contains more than one school district receives a payment in lieu of taxes under this section, the proceeds shall be prorated to the districts in the same manner as local taxes are prorated to the districts.

V. The collection procedures in RSA 80 may be used to enforce a voluntary agreement to make a payment in lieu of taxes authorized by this section.

VI. No voluntary agreement entered into under this section shall be valid for more than 5 years without renewal by the parties.

11 Applicability. Nothing in this act shall affect any agreement entered into under RSA 362-A:6 between a qualifying facility and a city, town, or village district for payment in lieu of taxes which was in existence on March 1, 1997.

12 Effective Date.

I. Sections 5-11 of this act shall take effect April 1, 2006.

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

2006-1892s

AMENDED ANALYSIS

This bill specifies that bio-oil, bio synthetic gas, and biodiesel are renewable energy sources for certain purposes.

This bill also allows municipalities to adopt a property tax exemption for property with a renewable generation facility and establishes procedures for the owners of such facilities to make payments in lieu of taxes.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Clegg.

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

Amendment adopted.

Senator Burling 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.

MOTION TO TABLE

Senator Larsen moved to have HB 1758 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1758, classifying biodiesel as a renewable energy source.

MOTION OF RECONSIDERATION

Senator Burling, having voted with the prevailing side, moved reconsideration of **HB 1752**, requiring notice regarding the classifications of employee and independent contractor, whereby it was ordered to third reading and final passage.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

The question is on the motion of reconsideration.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

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

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

Yeas: 7 - Nays: 16

Motion failed.

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 3-2. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Bragdon moved to have HCR 25 laid on the table.

Adopted.

LAIID ON THE TABLE

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.

Senators Barnes, Boyce and Roberge are in opposition to the motion to lay HCR 25 on the table.

HB 1216, relative to the sale of unpasteurized milk. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 3-2. Senator Eaton for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1317, relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Johnson for the committee.

Adopted.

Ordered to third reading.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 1373 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 or older. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-1. Senator Kenney for the committee.

Senate Executive Departments and Administration

April 19, 2006

2006-1929s

01/05

Amendment to HB 1220

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

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

MOTION TO TABLE

Senator Flanders moved to have HB 1220 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 or older.

HB 1273, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

Sen. Barnes, Dist. 17

May 3, 2006

2006-2167s

06/09

Floor Amendment to HB 1273

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

AN ACT relative to the disposition and retention of municipal records, legalizing the September 13, 2005 special meeting of the town of Brookline, legalizing the March 14, 2006 vote by the town of East Kingston to approve a bond financing a new police station, and legalizing the March 2006 Article 2 petitioned warrant article of the town of Sandown.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 9:

7 Bond Approval. The vote of the town of East Kingston at its March 14, 2006 annual town meeting approving the bond financing a new police station is hereby legalized, ratified, and confirmed.

8 Petitioned Warrant Article Approved. The Article 2 petitioned warrant article on the March, 2006 warrant of the town of Sandown is hereby legalized, ratified, and confirmed.

2006-2167s

AMENDED ANALYSIS

This bill:

I. Authorizes the committee to govern the disposition of municipal records to designate the office responsible for the retention of each type of record created for the municipality and changes certain retention schedules.

II. Legalizes the September 13, 2005 special meeting of the town of Brookline.

III. Legalizes the March 14, 2006 vote by the town of East Kingston to approve a bond financing a new police station.

IV. Legalizes the March, 2006 Article 2 petitioned warrant article of the town of Sandown.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SUSPENSION OF THE RULES

Senator Clegg moved that the Senate suspend all the necessary rules to send **HB 1273** to the late session, during the early session, and to vote third reading passage by this motion.

Adopted by the necessary 2/3 vote.

Third Reading and Final Passage

HB 1273, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Kenney for the committee.

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

A roll call was requested by Senator Kenney.

Seconded by Senator Letourneau.

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 1204, relative to human immunodeficiency virus education, prevention and control. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

May 4, 2006

2006-2191s

01/09

Floor Amendment to HB 1204

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

AN ACT relative to human immunodeficiency virus education, prevention, and control and relative to the powers of state government in the event of an incident or outbreak of communicable disease.

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

3 Communicable Disease; Closure and Decontamination. Amend RSA 141-C:16-a to read as follows:

141-C:16-a **Closure**; Decontamination.

I. The commissioner, *with the written approval of the governor*, may close, direct, and compel the evacuation ~~[of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health]~~ **and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health.** Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

II. *The closure of any buildings pursuant to this section shall be by the least restrictive means possible and the commissioner shall close only those buildings that are reasonably believed to pose a threat to the health of the public.*

III. *The owner of any building or portion of a building that is ordered closed in accordance with this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that closure of the building is reasonably necessary to protect the health of the public.*

4 New Section; Communicable Disease; Cancellation of Events. Amend RSA 141-C by inserting after section 16-a the following new section:

141-C:16-b Cancellation of Events. The commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation.

5 New Sections; Communicable Disease; Custody; Rationing; Cost of Items. Amend RSA 141-C by inserting after section 17-a the following new sections:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing.

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease, the commissioner shall pay to the retailer the Medicaid rate of any items to be acquired by the department, the rate as it was the day prior to the outbreak of the communicable disease.

6 New Sections; Communicable Disease; Ethics Committee Established. Amend RSA 141-C by inserting after section 23 the following new sections:

141-C:24 Ethics Committee.

I. There is hereby established an ethics committee to offer advice to the commissioner relative to the ethical issues that may be identified in the course of planning for, and responding to, outbreaks of communicable disease.

II. The committee shall consider the ethical implications of any of the powers that may be exercised by the commissioner under the provisions of this chapter including, but not limited to, the confiscation, distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, and mechanical equipment such as ventilators; the issuance and enforcement of orders of isolation, quarantine, medical examination, and medical treatment; and issues relative to information sharing and confidentiality.

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

- (a) The director of the division of public health services.
- (b) The state epidemiologist.
- (c) The attorney general, or designee.
- (d) A representative of a municipal department of public health, appointed by the commissioner.
- (e) A representative from a college or university public health program, appointed by the commissioner.
- (f) A chief of police or a police officer of a local police department, appointed by the New Hampshire Association of Chiefs of Police.
- (g) A chief of a local fire department, appointed by the New Hampshire Association of Fire Chiefs.
- (h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical Society.
- (i) The commissioner of the department of safety, or designee.
- (j) A member of a fire department, appointed by The New Hampshire Professional Firefighters Association.
- (k) A representative of a hospital, appointed by the New Hampshire Hospital Association.
- (l) A county representative, appointed by the New Hampshire Association of Counties.

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet initially within 30 days of the effective date of this section and then as regularly as the chairperson shall direct.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues. In addition, the committee shall develop proposed guidelines and protocols relative to any ethical issues that it identifies.

VI. The committee shall be solely advisory in nature and any guidance, guidelines, or protocols issued by the committee shall not be binding on the commissioner.

141:25 No Conflict With Emergency Management Powers. Nothing in this chapter shall be construed to limit or restrict the exercise of the governor's emergency management powers under RSA 4:45 – RSA 4:47.

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2006-2191s

AMENDED ANALYSIS

This bill repeals certain provisions of the law relative to human immunodeficiency virus education, prevention, and control.

This bill also authorizes the commissioner of the department of health and human services, with the written approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a

shortage during an incident or outbreak of communicable disease. Under this bill, the commissioner, with the written approval of the governor, has the power to close public places during an incident, etc. This bill establishes a committee to advise the commissioner in addressing ethical issues under RSA 141-C.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Clegg.

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1555, establishing a commission to investigate cost drivers in providing health care. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

April 18, 2006

2006-1883s

01/09

Amendment to HB 1555

Amend paragraph I of section 2 of the bill by inserting after subparagraph (n) the following new subparagraphs:

- (o) A representative of the Professional Firefighters of New Hampshire, appointed by such association.
- (p) A representative of the New Hampshire Health Care Association, appointed by such association.

MOTION TO TABLE

Senator Flanders moved to have HB 1555 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1555, establishing a commission to investigate cost drivers in providing health care.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

MOTION TO TABLE

Senator Bragdon moved to have HB 1687 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee

MOTION TO TABLE

Senator Martel moved to have HB 1763 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23

April 19, 2006

2006-1910s

08/09

Amendment to HB 506

Amend RSA 354-A:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Employer" does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service. Entities claiming to be religious organizations may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status. "Employer" shall include the state and all political subdivisions, boards, departments, and commissions thereof.

Amend the bill by replacing section 2 with the following:

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to have HB 1758 taken from the table.

Adopted.

HB 1758, classifying biodiesel as a renewable energy source.

Senator Burling withdrew his floor amendment (#2141).

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Odell, Dist. 8

May 4, 2006

2006-2196s

03/10

Floor Amendment to HB 1758

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

5 Purpose. High energy demand and tight supply are pushing energy prices, including the prices of oil, natural gas, coal, and electricity, to new records and increasing price volatility. The 2002 New Hampshire Energy Plan recognizes "energy's central role in fulfilling our priorities of economic growth, environmental quality, and a diverse energy supply" and recommends consideration of energy policies and programs that include encouraging the development of cleaner, affordable alternative energy sources; utilizing our plentiful renewable natural resources; and reducing our dependence on foreign oil. (New Hampshire Energy Plan at 1-1.) Such policies are

supported by HJR 2 (1981), a resolution to establish a state policy on energy, and by the state's Energy Policy set forth in RSA 378:37 "to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; the protection of the safety and health of the citizens, the physical environment of the state, and the future supplies of nonrenewable resources; and consideration of the financial stability of the state's utilities." In order to promote the state's energy policies as well as the public interest, the general court believes that impediments to preserving, expanding, and improving existing renewable generation facilities in the state, and to developing new renewable generation facilities in the state, should be reduced. Furthermore, the general court believes that practices, procedures, and methodologies related to property assessment for the purposes of taxation can be such an impediment. Therefore, the general court finds that it is desirable to reauthorize each municipality to enter into voluntary agreements with the owners of renewable generation facilities located in the municipality to make payments in lieu of taxes. Such tax policy is appropriate because renewable generation facilities differ from other utility property and traditional generation facilities, such as fossil fuel and nuclear plants. Specifically, many renewable generation facilities are very small and some renewable technologies like wind and hydroelectric facilities are weather-dependent and not able to operate at full output throughout the year. Furthermore, unlike other manufacturing operations, renewable generation facilities are considered utility property and are required to include all generation production equipment as taxable property. Unlike regulated utilities, renewable generation facilities are unable to recover their tax-related expenses through regulated rates.

6 New Subdivision; Exemption for Renewable Generation Facilities. Amend RSA 72 by inserting after section 72 the following new subdivision:

Payment in Lieu of Taxes for Renewable Generation Facilities

72:73 Definition of Renewable Generation Facility. In this subdivision, "renewable generation facility" means a facility which produces electric energy for resale solely by the use, as a primary energy source, of renewable energy as defined in RSA 374-F:3, V(f)(3), including the land, all rights, easements, and other interests thereto, and all dams, buildings, structures, and other improvements situated thereon which are necessary or incidental to the production of power at the facility.

72:74 Payment in Lieu of Taxes.

I. The owner of a renewable generation facility and the governing body of the municipality in which the facility is located may, after a duly noticed public hearing, enter into a voluntary agreement to make a payment in lieu of taxes. A lessee of a renewable generation facility which is responsible for the payment of taxes on the facility may also enter into a voluntary agreement with the municipality in which the facility is located to make a payment in lieu of taxes, provided the lessee shall send by certified mail to the lessor written notice which shall state that the property of the lessor may be subject to RSA 80 should the lessee fail to make the payments required by the agreement. A copy of such notice shall be provided to the municipality in which the facility is located.

II. A renewable generation facility subject to a voluntary agreement to make a payment in lieu of taxes under this section shall be subject to the laws governing the utility property tax under RSA 83-F pursuant to the agreement. Such agreement shall satisfy any tax liability relative to the renewable generation facility that otherwise exists under RSA 72. In the absence of a payment in lieu of taxes agreement, the renewable generation facility shall be subject to taxation under RSA 72.

III. If a municipality that contains more than one school district receives a payment in lieu of taxes under this section, the proceeds shall be prorated to the districts in the same manner as local taxes are prorated to the districts, or in the case of a cooperative school district between the city or town and pre-existing school district.

IV. The collection procedures in RSA 80 shall be used to enforce a voluntary agreement to make a payment in lieu of taxes authorized by this section.

V. If a municipality enters into a voluntary payment in lieu of taxes agreement with an owner, or a lessee responsible for payment of taxes, of a renewable generation facility, the municipality, upon the request of the owner, or a lessee responsible for payment of taxes, of any other renewable generation facility located within the municipality, shall offer a comparable agreement to the owner or lessee of such facility.

VI. No voluntary agreement entered into under this section shall be valid for more than 5 years; however, any such agreement may be renewed or amended and restated for any number of consecutive periods of 5 years or less.

7 New Section; Limited Electrical Energy Producers; Payment in Lieu of Tax Agreements for Renewable Generation Facilities. Amend RSA 362-A by inserting after section 6 the following new section:

362-A:6-a Payment in Lieu of Tax Agreements for Renewable Generation Facilities. The owner, or a lessee responsible for payment of taxes, of a renewable generation facility and the municipality in which the facility is located may enter into a voluntary agreement to make a payment in lieu of taxes, pursuant to RSA 72:74.

8 Revenue Administration; Duties of Commissioner; Reference Added. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70, ***and property which is the subject of a payment in lieu of taxes under RSA 72:74*** by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

9 Applicability. Nothing in sections 5-9 of this act shall affect any existing agreement entered into under the prior RSA 362-A:6 between a qualifying facility and a city, town, or village district for payment in lieu of taxes. Sections 5-9 of this act shall apply to tax years commencing on or after April 1, 2006.

10 Effective Date.

I. Sections 5-9 of this act shall take effect April 1, 2006.

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

2006-2196s

AMENDED ANALYSIS

This bill specifies that bio-oil, bio synthetic gas, and biodiesel are renewable energy sources for certain purposes.

This bill also authorizes the governing body of a municipality to enter into a payment in lieu of taxes agreement with the owner or lessee of a renewable generation facility.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Larsen.

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

The following Senators voted No: Boyce, Barnes, Letourneau, Morse.

Yeas: 19 - Nays: 4

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1357, relative to the legislative facilities committee. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-1. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements. Internal Affairs Committee. Ought to Pass, Vote 4-1. Senator Roberge for the committee.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Hassan.

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

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

Yeas: 16 - Nays: 7

Adopted.

Ordered to third reading.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards. Internal Affairs Committee. Ought to Pass, Vote 3-1. Senator Flanders 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 Clegg.

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

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

Yeas: 16 - Nays: 7

Adopted by the necessary 3/5 vote.

Ordered to third reading.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

Sen. Clegg, Dist. 14

May 1, 2006

2006-2109s

09/10

Floor Amendment to HB 1424

Amend the bill by replacing section 2 with the following:

2 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.

HB 1134, relative to membership of the state building code review board. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Roberge for the committee.

MOTION TO TABLE

Senator Roberge moved to have HB 1134 laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Burling.

Seconded by Senator Fuller Clark.

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

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

Yeas: 14 - Nays: 8

Adopted.

LAID ON THE TABLE

HB 1134, relative to membership of the state building code review board.

HB 1191, making technical corrections to the chapter governing vital records. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 1435, relative to the emergency plan for service animals. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Public and Municipal Affairs

April 12, 2006

2006-1823s

08/09

Amendment to HB 1435

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

AN ACT relative to the emergency plan for service animals and establishing a commission to study the evacuation and housing of animals during an emergency.

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

1 New Paragraph; Emergency Services, Communications, and Management; Service Animal Evacuation Plan. Amend RSA 21-P:37 by inserting after paragraph V the following new paragraph:

VI. To prepare a comprehensive plan and program for the evacuation of hearing ear dogs, guide dogs, search and rescue dogs, and other service animals, as defined in RSA 167-D.

2 New Section; State Policy for Service Animals. Amend RSA 21-P by inserting after section 37 the following new section:

21-P:37-a State Policy for Service Animals. In cases of emergency, it shall be the policy of the state that service animals shall not be separated from the persons they serve. Every effort shall be made to keep service animals and the persons they serve together, and all appropriate state emergency planning and state sponsored emergency training shall be based on such assumptions.

3 Commission Established. There is established a commission to study the evacuation and housing of animals during an emergency.

4 Membership and Compensation.

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

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

(b) Three members of the senate, appointed by the president of the senate.

(c) One member of the New Hampshire Humane Society, appointed by such organization.

(d) One member of the Humane Society of the United States, appointed by such organization.

(e) One member of the American Society for the Prevention of Cruelty to Animals, appointed by such organization.

(f) One member from the department of safety, division of emergency services, communications, and management, appointed by the commissioner of the department of safety.

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

(h) The state veterinarian, or designee.

(i) One member from the Concord Area Chapter of the American Red Cross, appointed by such organization.

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:

I. Define "domestic pet."

II. Develop a comprehensive plan for the evacuation and housing of domestic pets in cases of emergency.

III. Establish guidelines for evacuation and housing of livestock in cases of emergency.

IV. Give detailed protocol for coordination of state and non-profit agencies in gathering, organizing, housing, and reclaiming of animals in cases of emergency.

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 first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

7 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

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

2006-1823s

AMENDED ANALYSIS

This bill authorizes the director of the division of emergency services, communications, and management to prepare a plan for service animals to be evacuated in the event of an emergency. The bill states that in cases of emergency it is state policy that service animals not be separated from the persons they serve.

This bill also establishes a commission to study the evacuation and housing of animals in case of an emergency.

Amendment adopted.

Senator Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

April 28, 2006

2006-2104s

08/09

Floor Amendment to HB 1435

Amend paragraph I of section 4 of the bill by inserting after subparagraph (i) the following:

(j) One member of the New Hampshire Veterinary Medical Association, appointed by such organization.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Kenney moved to have HB 1687 taken from the table.

Adopted.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Martel moved to have HB 1763 taken from the table.

Adopted.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.

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

Adopted.

Ordered to third reading.

HB 1176, establishing a committee to study statutes relating to railroads. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

Transportation and Interstate Cooperation

April 19, 2006

2006-1902s

06/09

Amendment to HB 1176

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

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

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall review and recommend revisions, updates, and purges of all New Hampshire statutes covering railroad operation, rights of way, property rights, and such other railroad statutes as the committee may find relevant.

MOTION TO TABLE

Senator Martel moved to have HB 1176 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1176, establishing a committee to study statutes relating to railroads.

HB 1201, relative to child passenger restraints. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Sen. Letourneau, Dist. 19
April 18, 2006
2006-1874s
03/09

Amendment to HB 1448

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

AN ACT relative to the applicability of drivers' license revocations for drugs or alcohol involvement and relative to the medical/vision advisory board.

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

2 Repeal. 2005, 123:2 and 2005, 123:3, I, relative to repealing the medical/vision advisory board, are repealed.

2006-1874s

AMENDED ANALYSIS

This bill modifies the applicability of certain provisions of the statute requiring drivers' license revocations or denials for drugs or alcohol involvement. This bill also repeals the prospective repeal of the medical/vision advisory board.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1470, relative to overweight vehicle permit fees. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 6-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation
April 19, 2006
2006-1901s
06/09

Amendment to HB 1470

Amend the bill by replacing section 1 with the following:

1 Special Permit Fees. Amend RSA 266:22, I-IV to read as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, \$[5] **6**;

II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, \$[5] **5.50**; 50,001 pounds to 60,000 pounds, \$[6] **6.50**; 60,001 pounds to 70,000 pounds, \$[7] **7.50**; 70,001 pounds to 80,000 pounds, \$[8] **8.50**; 80,001 pounds to 90,000 pounds, \$[9] **9.50**; 90,001 pounds to 100,000 pounds, \$[10] **10.50**; and for each additional 10,000 pounds \$2 shall be added to the above rate;

III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of \$[50] **60** for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of \$[100] **115** for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1444, relative to definitions under the real estate transfer tax. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 1501, making various changes to the lottery commission. Ways and Means Committee. Ought to Pass, Vote 3-1. Senator Odell for the committee.

Motion failed.

Senator Clegg moved inexpedient to legislate.

Adopted.

HB 1501 is inexpedient to legislate.

HB 1333, relative to solid waste reduction goals. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 4-1. Senator Eaton for the committee

Committee report of inexpedient to legislate is adopted.

HB 1495, relative to setback requirements for landfills located near rivers. Environment and Wildlife Committee. Interim Study, Vote 3-2. Senator Eaton for the committee.

MOTION TO TABLE

Senator Boyce moved to have HB 1495 laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Larsen.

Seconded by Senator Gottesman.

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

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

Yeas: 16 - Nays: 7

Adopted.

LAID ON THE TABLE

HB 1176, establishing a committee to study statutes relating to railroads.

HB 1206, relative to the assessing standards board. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Sen. Kenney, Dist. 3

April 26, 2006

2006-2068s

10/09

Amendment to HB 1206

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

AN ACT relative to the assessing standards board, and the approval of appraisal contracts.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Appraisals of Property for Ad Valorem Tax Purposes. Amend RSA 21-J:11, I to read as follows:

I. **(a)** Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall ~~[begin any appraisal work]:~~

(1) Enter into any contract or agreement with any town, city, or governmental division without first submitting a copy of the contract or agreement to the commissioner along with the names and

qualifications of all personnel to be employed under the contract or agreement[-] ***for review of the proposed contract or agreement and written recommendations of the department to be made to the municipality within 10 working days of receipt by the department;***

(2) Begin any appraisal work without first submitting a copy of the executed contract or agreement to the commissioner along with the names and qualifications of all personnel to be employed under the contract or agreement.

(b) Any contract or agreement entered into for a reassessment or new assessment ordered by the board of tax and land appeals, pursuant to RSA 71-B, shall be first submitted to the commissioner for examination and approval.

(c) This paragraph shall not apply to municipal employees.

2006-2068s

AMENDED ANALYSIS

This bill requires the assessing standards board to recommend certain guidelines relative to revaluations and to adopt rules relative to practices and procedures for mass appraisals.

This bill deletes a requirement that the assessing standards board recommend guidelines for the adequacy of tax maps and other records; clarifies that a quorum of the assessing standards board is not required when holding public forums throughout the state; and changes the name of a job category for which a person may be certified by the department of revenue administration pursuant to rules adopted by the board.

The bill also requires the review and written recommendations of the commissioner of revenue administration for all proposed contracts and agreements for appraisals of taxable property for municipalities.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-1. Senator Kenney for the committee.

Sen. Kenney, Dist. 3

April 26, 2006

2006-2067s

01/09

Amendment to HB 1346

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

1 New Sections; Pharmacists and Pharmacies; Prescription Information to be Kept Confidential. Amend RSA 318 by inserting after section 47-e the following new sections:

318:47-f Prescription Information to be Kept Confidential. Records relative to prescription information containing patient-identifiable and prescriber-identifiable data shall not be licensed, transferred, used, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement; formulary compliance; care management; utilization review by a health care provider, the patient's insurance provider or the agent of either; health care research; or as otherwise provided by law. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any activity that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, or evaluate the effectiveness of a professional pharmaceutical detailing sales force. Nothing in this section shall prohibit the dispensing of prescription medications to a patient or to the patient's authorized representative; the transmission of prescription information between an authorized prescriber and a licensed pharmacy; the transfer of prescription information between licensed pharmacies; the transfer of prescription records that may occur in the event a pharmacy ownership is changed or transferred; care management educational communications provided to a patient about the patient's health condition, adherence to a prescribed course of therapy or other information about the drug being dispensed, treatment options, or clinical trials. Nothing in this section shall prohibit the collection, use,

transfer or sale of patient and prescriber de-identified data by zip code, geographic region or medical specialty for commercial purposes. In addition to other appropriate remedies under this chapter, a violation of this section is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this section.

318:47-g Patient Assistance Program.

I. Following the close of each calendar year, any clearinghouse that provides information to New Hampshire residents about pharmaceutical manufacturers' patient assistance programs shall, to the extent that the clearinghouse collects such information, provide aggregate information to the commissioner of the department of health and human services relative to either:

(a) The number of people in New Hampshire who may qualify for any manufacturer or government program during the calendar year; or

(b) The number of patients served during the calendar year.

II. An individual company may provide additional information about the individual company's patient assistance program; however, the commissioner shall combine all information from all sources, including individual companies and the clearinghouse, and shall report only aggregate information to the public.

2 New Paragraph; Controlled Drug Act; Prescription Information to be Kept Confidential. Amend RSA 318-B:12 by inserting after paragraph III the following new paragraph:

IV. Records relative to prescription information containing patient-identifiable and prescriber-identifiable data shall not be licensed, transferred, used, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement; formulary compliance; care management; utilization review by a health care provider, the patient's insurance provider or the agent of either; health care research; or as otherwise required by law. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any activity that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, or evaluate the effectiveness of a professional pharmaceutical detailing sales force. Nothing in this paragraph shall prohibit the dispensing of prescription medications to a patient or to the patient's authorized representative; the transmission of prescription information between an authorized prescriber and a licensed pharmacy; the transfer of prescription information between licensed pharmacies; the transfer of prescription records that may occur in the event a pharmacy ownership is changed or transferred; care management educational communications provided to a patient about the patient's health condition, adherence to a prescribed course of therapy or other information about the drug being dispensed, treatment options, or clinical trials. Nothing in this section shall prohibit the collection, use, transfer or sale of patient and prescriber de-identified data by zip code, geographic region or medical specialty for commercial purposes. In addition to other appropriate remedies under this chapter, a violation of this paragraph is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this paragraph.

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

The question is on the 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, Burling, Green, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Larsen, Gatsas, Barnes, Letourneau, Estabrook, Morse, Hassan.

The following Senators voted No: Boyce, Flanders, Clegg, Martel.

Yeas: 18 - Nays: 4

Amendment Adopted.

Senator Fuller Clark (Rule #42).

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

A roll call was requested by Senator Barnes.

Seconded by Senator Martel.

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.

The following Senators voted No: None.

Yeas: 22 - Nays: 0

Adopted.

Senator Fuller Clark (Rule #42) on HB 1346.

Ordered to third reading.

HB 1351, relative to the rulemaking process. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

HB 1521, relative to the membership of the juvenile parole board. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 1523 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

HB 1574, relative to membership on the public employees deferred compensation commission. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Senate Executive Departments and Administration

April 26, 2006

2006-2078s

09/10

Amendment to HB 1574

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

AN ACT relative to membership on the public employees deferred compensation commission and relative to criminal penalties for certain securities violations.

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

2 Securities; Criminal Penalty. Amend RSA 421-B:24, I to read as follows:

I. Any person who willfully violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5 or [a] *fails to comply with an order from the secretary of state* to cease and desist [~~order~~] or *for an* injunction issued

pursuant to RSA 421-B:23, *or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$500 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26*, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

2006-2078s

AMENDED ANALYSIS

This bill replaces the director of the office of securities regulation with the secretary of state or designee as a member of the public employees deferred compensation commission.

The bill also makes it a crime to fail to comply with certain orders of the secretary of state regarding securities violations.

MOTION TO TABLE

Senator Kenney moved to have HB 1574 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1574, relative to membership on the public employees deferred compensation commission.

HB 1589, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year olds and 18-year olds who are ready to leave foster care or the youth development center. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Fuller Clark for the committee.

MOTION TO TABLE

Senator Fuller Clark moved to have HB 1589 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1589, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year olds and 18-year olds who are ready to leave foster care or the youth development center.

HB 1274, relative to certain disclosures to the department of health and human services. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Kenney for the committee.

Health and Human Services

April 25, 2006

2006-2033s

01/09

Amendment to HB 1274

Amend RSA 125:25-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any other provision of law, any health care practitioner who has an ownership interest in an entity which provides diagnostic or therapeutic services shall disclose such interest to the appropriate licensing authority regardless of whether any referrals are provided to the health care practitioner's entity or any other entity. In the disclosure to the appropriate licensing authority, the health care practitioner shall list all diagnostic and therapeutic services provided by any entity in which the health care practitioner has an ownership interest. Disclosure of ownership shall be made upon application for and renewal of the health care practitioner's license, on the application and renewal form.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1427, relative to guiding principles for developmentally disabled services. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Bragdon for the committee.

Health and Human Services**April 25, 2006****2006-2038s****01/09****Amendment to HB 1427**

Amend RSA 171-A:1 as inserted by section 1 of the bill by replacing it with the following:

171-A:1 Purpose and Policy. The purpose of this chapter is to enable the department of health and human services to establish, maintain, implement and coordinate a comprehensive service delivery system for developmentally disabled persons. The policy of this state is that persons with developmental disabilities and their families be provided services that emphasize community living and programs to support individuals and families, beginning with early intervention, and that such services and programs shall be based on the following:

I. Participation of people with developmental disabilities and their families in decisions concerning necessary, desirable, and appropriate services, recognizing that they are best able to determine their own needs.

II. Services that offer comprehensive, responsive, and flexible support as individual and family needs evolve over time.

III. Individual and family services based on full participation in the community, sharing ordinary places, developing meaningful relationships, and learning things that are useful, as well as enhancing the social and economic status of persons served.

IV. Services that are relevant to the individual's age, abilities, and life goals, including support for gainful employment that maximizes the individual's potential for self-sufficiency and independence.

V. Services based on individual choice, satisfaction, safety, and positive outcomes.

VI. Services provided by competent, appropriately trained and compensated staff.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Martel for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24

April 24, 2006**2006-2001s****05/03****Amendment to HB 1461**

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

AN ACT establishing a task force to study Temporary Assistance to Needy Families (TANF).

Amend section 2 of the bill by inserting after paragraph XII the following new paragraphs:

XIII. A member of Families in Transition-NH, appointed by that organization.

XIV. A child care professional, appointed by the governor.

XV. The commissioner of the department of employment security, or designee.

XVI. A professional in the field of adult education, appointed by the governor.

XVII. A representative of the governor's commission on disability, appointed by that organization.

XVIII. A representative of the community action program, appointed by that organization.

Amend section 3 of the bill by replacing all after paragraph VI with the following:

VII. Consider issues relative to child care in the context of providing assistance and meeting welfare-to-work goals under the TANF program.

VIII. Review changes to the TANF program made by the Deficit Reduction Act of 2005, Public Law 109-171. The task force also shall review how the current state TANF program may need to be changed in order to comply with the amended federal law.

IX. Recommend those changes in the levels and structure of the TANF grant, that the task force determines are necessary and desirable, to the governor, the commissioner of health and human services, the speaker of the house of representatives, and the president of the senate.

X. Make recommendations for any proposed legislation the task force deems necessary.

2006-2001s

AMENDED ANALYSIS

This bill establishes a task force to study cash assistance provided to eligible families with dependent children under the Temporary Assistance to Needy Families (TANF) program. The bill also directs the task force to study the federal reauthorization of TANF and to recommend appropriate changes at the state level.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1546, relative to patient information. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

HB 298, relative to consolidating statutes relating to driving while intoxicated. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

HB 459, relative to access to criminal records and enhanced 911 system records. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 529, relative to the determination of parental rights and responsibilities. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary

April 25, 2006

2006-2037s

05/04

Amendment to HB 529

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

1 Parental Rights and Responsibilities. Amend RSA 461-A:2, I(a) to read as follows:

(a) Support frequent and continuing contact between each child and both parents ***and, whenever appropriate, comparable parental rights and responsibilities.***

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

2006-2037s**AMENDED ANALYSIS**

This bill encourages the court to support comparable parental rights and responsibilities whenever appropriate.

Amendment adopted.

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

A roll call was requested by Senator Green.

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 587, relative to child abuse and neglect investigations by the department of health and human services. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

Sen. Gottesman, Dist. 12

April 25, 2006

2006-2027s

05/04

Amendment to HB 587

Amend RSA 169-C:34, VI as inserted by section 1 of the bill by replacing it with the following:

VI. At the first contact in person, any person investigating a report of abuse or neglect on behalf of the department shall verbally inform the parents of a child suspected of being a victim of abuse or neglect of the specific nature of the charges and that they are under no obligation to allow a social worker or state employee on their premises or surrender their children to interviews unless that social worker or state employee is in possession of a court order to that effect. Upon receiving such information, the parent shall sign a written acknowledgement indicating that the information required under this paragraph was provided by the person conducting the investigation. The parent and department shall each retain a copy of the acknowledgment.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Foster for the committee.

Committee report of inexpedient to legislate is adopted.

HB 591, relative to the inclusion of health insurance in the calculation of child support. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

HB 592, relative to the child support guidelines. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Senate Judiciary

April 25, 2006

2006-2036s

05/04

Amendment to HB 592

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

AN ACT relative to minimum support orders.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

2006-2036s

AMENDED ANALYSIS

This bill permits the court to issue a minimum child support order of less than \$50 per month in appropriate cases.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions. Judiciary Committee. Ought to pass with amendment, Vote 4-1. Senator Roberge for the committee.

Senate Judiciary

April 25, 2006

2006-2035s

05/04

Amendment to HB 1116

Amend the bill by replacing section 1 with the following:

1 Change from Notice to Quit to Eviction Notice. Amend the following RSA sections by replacing "notice to quit" with "eviction notice": RSA 104:31; 126-A:57; 130-A:8-a; 540:2; 540:4; and 540:9-a.

Amend the bill by replacing section 3 with the following:

3 Eviction Notice; Reference to Notice to Quit in Existing Lease. Amend RSA 540:3 to read as follows:

540:3 [~~Notice to Quit~~] **Eviction Notice.**

I. If a nonresidential tenant neglects or refuses to pay rent due and in arrears, upon demand, 7 days' notice shall be sufficient; if the rent is payable more frequently than once in 3 months, whether such rent is due or not, a notice equal to the rent period shall be sufficient, and 3 months' notice shall be sufficient in all cases.

II. For all residential tenancies, 30 days' notice shall be sufficient in all cases; provided, however, that 7 days' notice shall be sufficient if the reason for the termination is as set forth in RSA 540:2, II(a), (b), or (d).

III. The **eviction** notice [~~to quit~~] shall state with specificity the reason for the eviction.

IV. If the **eviction** notice [~~to quit~~] is based on nonpayment of rent, the notice shall inform the tenant of his **or her** right, if any, to avoid the eviction by payment of the arrearages and liquidated damages in accordance with RSA 540:9.

V. For the purpose of interpreting or enforcing any lease or rental agreement for residential tenants in effect on July 1, 2006, a notice to quit shall be deemed an eviction notice under this section.

Amend the bill by replacing section 5 with the following:

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

2006-2035s

AMENDED ANALYSIS

This bill changes the name of the notice to quit to an eviction notice and directs the supreme court to make forms for an eviction notice and demand for rent available on the district court's website.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1285, making certain technical corrections to the adoption statute. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary

April 26, 2006

2006-2064s

05/04

Amendment to HB 1285

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

AN ACT relative to adoption.

Amend RSA 170-B:6, I(c)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) In New Hampshire, the registration form shall be supplied by the office of child support services. The form shall require the claimant to affirmatively express his intent to support the child to the best of his ability.

Amend RSA 170-B:22, I as inserted by section 8 of the bill by replacing it with the following:

I. Within 7 days after the final decree is filed, the register of probate shall send ***a hard copy of the report of the adoption*** to the town clerk of the town where the adoptee was born ~~and~~, to the commissioner, ~~[by mail a report of the adoption]~~ ***and to the department of state, division of vital records administration.*** The ~~[bureau of vital records and health statistics]~~ ***department of state, division of vital records administration*** shall provide suitable forms for such reports.

Amend the bill by inserting after section 12 the following and renumbering the original sections 13 and 14 to read as 14 and 15, respectively:

13 Persons Not Required to Surrender. Amend RSA 170-B:7, V to read as follows:

V. A parent whose parental rights have been terminated pursuant to RSA 170-C; ~~or~~

V-a. An alleged father who is convicted of an offense under RSA 632-A:2, RSA 632-A:3, RSA 632-A:4, or RSA 639:2 which resulted in conception of the adoptee; or

2006-2064s

AMENDED ANALYSIS

This bill corrects an obsolete reference to the bureau of vital records and health statistics and clarifies the effect of an adoption decree on inheritance rights and privileges.

The bill also clarifies the putative father registration process and requires putative fathers to indicate their intent to support the child when they sign the registry.

The bill clarifies the circumstances under which a parent surrendering parental rights has a right to counsel. The bill also provides that the surrender of parental rights is not required of an alleged father who is convicted of an offense that resulted in the conception of the adoptee.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1377, relative to certain mandatory minimum sentences. Judiciary Committee. Ought to Pass, Vote 3-1. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Senate Judiciary
April 25, 2006
2006-2046s
04/10

Amendment to HB 1386

Amend RSA 159:17 as inserted by section 1 of the bill by replacing it with the following:

159:17 Exceptions. The provisions of the preceding section shall not apply to officers of the law, to persons holding [~~hunters'~~] ***hunting or fishing*** licenses when lawfully engaged in hunting ***or fishing***, to employees of express companies while on duty, [~~or~~] to watchmen while on duty, ***to emergency medical technicians, firefighters, or military personnel while in the course of their duties, or to duly authorized military or civic organizations when parading, or to the members thereof when at, or going to or from, their customary places of assembly.***

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1480, amending the provisions relative to registration of criminal offenders. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 1516, relative to the modification and enforcement of child support orders. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Senate Judiciary
April 25, 2006
2006-2039s
05/04

Amendment to HB 1516

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

2 Child Support Guidelines; Modification of Order; Grounds for Modification. Amend RSA 458-C:7, I to read as follows:

I. [~~The obligor or obligee may apply to the court or, when the department of health and human services has issued a legal order of support pursuant to RSA 161-C, to the department, whichever issued the existing order, for modification of such order 3 years after the entry of the last order for support, without the need to show a substantial change of circumstances. This section shall not prohibit the obligor or obligee from applying at any time for a modification based on substantial change of circumstances.~~] ***A child support order may be modified, upon application to the court, if:***

(a) Three years have elapsed since the entry of the last order for support;

(b) Either party demonstrates a substantial change in circumstances;

(c) The parties agree to a change in the child support amount;

(d) The court has removed the child from the custody of the obligee pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463 or from the residential responsibility of the obligee under RSA 461-A; or

(e) The parties agree on a change in residential responsibility or designation of obligee.

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

2006-2039s

AMENDED ANALYSIS

This bill permits modification of a child support order based on a change in custody under the juvenile statutes or guardianship statute, a change in residential responsibility, or by mutual agreement of the parties.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1583, relative to grounds for modification of parental rights and responsibilities. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Senate Judiciary

April 19, 2006

2006-1922s

05/10

Amendment to HB 1583

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Grounds for Modification of Parental Rights and Responsibilities; Preference of Mature Minor. Amend RSA 461-A:11, I by inserting after subparagraph (d) the following new subparagraph:

(e) If the court finds by clear and convincing evidence that a minor child is of sufficient maturity to make a sound judgment about his or her proper custody, the court may give substantial weight to the preference of the mature minor child as to the parent with whom he or she wants to live. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including, but not limited to, whether the minor child's preference was based on undesirable or improper influences.

2006-1922s

AMENDED ANALYSIS

This bill permits the court to give substantial weight to the preference of a mature minor in the modification of parental rights and responsibilities.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1585, relative to enforcement of orders regarding parenting plans. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

Senate Judiciary

April 20, 2006

2006-1951s

05/04

Amendment to HB 1585

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

1 New Section; Parental Rights and Responsibilities; Enforcement of Parenting Plan. Amend RSA 461-A by inserting after section 4 the following new section:

461-A:4-a Judicial Enforcement of Parenting Plan. Any motion for contempt or enforcement of an order regarding an approved parenting plan under this chapter, if filed by a parent, shall be reviewed by the court within 30 days.

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

2006-1951s

AMENDED ANALYSIS

This bill requires the court to review a parent's motion for contempt or enforcement of a parenting plan within 30 days.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1625, establishing penalties for guardians ad litem who fail to file reports which are required by the court. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Senate Judiciary

April 10, 2006

2006-1717s

09/10

Amendment to HB 1625

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

AN ACT establishing penalties for guardians ad litem who fail to file reports.

Amend RSA 490:26-g as inserted by section 1 of the bill by replacing it with the following:

490:26-g Guardians Ad Litem; Failure to File Required Reports. A guardian ad litem who, without good cause, fails to file a report required by any court or statute by the date the report is due may be subject to a fine, established by supreme court rule, of not less than \$100 and not more than the amount of costs and attorneys fees incurred by the parties to the action for the day of the hearing. The guardian ad litem shall not be subject to the fine under this section if, at least 10 days prior to the date the report is due, he or she files a motion requesting an extension of time to file the report. The court clerk shall report a guardian ad litem who fails to file a report by the date the report is due to the guardian ad litem board. The court clerk and the guardian ad litem board shall make such report available to the public.

2006-1717s

AMENDED ANALYSIS

This bill establishes penalties for guardians ad litem who fail to file reports which are required by the court or by statute.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1761, relative to hold over tenants in vacation or recreational rental units. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Senate Judiciary

April 26, 2006

2006-2051s

05/10

Amendment to HB 1761

Amend the bill by replacing section 1 with the following:

1 New Chapter; Vacation or Recreational Rental Units. Amend RSA by inserting after chapter 540-B the following new chapter:

CHAPTER 540-C

VACATION OR RECREATIONAL RENTAL UNITS

540-C:1 Covered Units. This chapter shall apply to all dwelling units which are:

- I. Rented for recreational or vacation use at least one month out of the year; and
- II. Rented for residential purposes by persons who have no other residence, during part or all of the non-recreational or vacation period.

540-C:2 Lease Required. In order to evict a tenant from a dwelling unit covered by this chapter without fulfilling the requirements of RSA 540, the owner or the owner's authorized agent and the tenant shall sign a lease which:

- I. States the date by which the tenant shall vacate the premises; and
- II. Informs the tenant that if he or she remains on the premises after the expiration of the lease without the written permission of the owner or the owner's authorized agent, the tenant may be removed from the premises pursuant to a writ of possession obtained pursuant to RSA 540-C:3.

540-C:3 Removal Upon Expiration of Lease; Writ of Possession. Upon presentation of an expired lease that meets the requirements of RSA 540-C:2 and the filing of a petition attesting to the failure of the tenant to vacate the dwelling unit on the date specified, the court shall immediately issue ex parte a writ of possession to the owner or the owner's authorized agent which shall be held by the court pending further hearing. The owner, owner's representative, or sheriff shall serve notice of any petition filed under this section upon the tenant personally or by leaving it at the dwelling unit. Proof of service shall be shown by a true and attested copy of the petition accompanied by an affidavit of service, but the affidavit need not be sworn under oath. The tenant, within 2 business days of the date of service, may request a hearing, which shall be held within 5 days of the tenant's request. The sole issue at the hearing shall be whether the expiration date of the lease was extended by agreement. If the tenant fails to request a hearing within 2 business days of the date of service, the owner shall immediately be granted the writ of possession.

540-C:4 Personal Property of Former Tenant. The owner or the owner's authorized agent shall maintain and exercise reasonable care in the storage of the personal property of a former tenant who has vacated the premises, either voluntarily or pursuant RSA 540-C:3, for a period of 28 days after the date upon which such tenant has vacated. During this period, the former tenant shall be allowed to recover personal property without payment of rent or storage fees. After the 28-day limit has expired, such personal property may be disposed of without notice to the former tenant.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

Sen. Clegg, Dist. 14

May 3, 2006

2006-2178s

05/04

Floor Amendment to HB 1761

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

AN ACT relative to hold over tenants in vacation or recreational rental units and relative to lobbyist reporting requirements.

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

3 Lobbyists Reporting Requirements. Amend RSA 15:6, I to read as follows:

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client ~~[for all purposes;~~

~~(b) What portion of the total fees received]~~ **that** are related, directly or indirectly, to lobbying services.

~~[(c)]~~ **(b)** All expenditures made from lobbying fees, including by whom paid or to whom charged.

~~[(d)]~~ **(c)** Any honorarium or expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional or personal capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer or by a family member of the lobbyist. The statements shall be open to public inspection. For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

4 Lobbyist Reporting Requirements. Amend RSA 15:6, V(d) to read as follows:

(d) For each client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, ~~[for all purposes, a statement of what portion of the gross fees received]~~ **that** are related, directly or indirectly, to lobbying services, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2007.

II. The remainder of this act shall take effect June 2, 2006 at 12:01 a.m.

2006-2178s**AMENDED ANALYSIS**

This bill permits a law enforcement officer to remove a holdover tenant from a vacation or recreational rental unit without judicial process if the parties have signed a lease that specifies the date by which the tenant shall vacate the premises and that the tenant may be removed from the property if the tenant remains beyond the date specified. The bill exempts vacation and recreational rental units from the eviction process in RSA 540.

This bill also limits the financial disclosure requirement for lobbyists to fees related to lobbying activity rather than all fees received by a client.

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 1761.

HB 626-FN-L, relative to the right-to-know law. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-2. Senator Roberge for the committee.

Public and Municipal Affairs

April 26, 2006

2006-2073s

01/09

Amendment to HB 626-FN-LOCAL

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

1 Statement of Purpose. The purpose of this act is to clarify how the right-to-know law applies to both governmental records kept in electronic form and electronic communications used to transact governmental business. The general court finds that this act fulfills this purpose in a manner that maintains openness in government, while being in accord with the varied types, sizes, and resources of New Hampshire's public bodies.

2 Chapter Heading Amended. Amend the chapter heading of RSA 91-A to read as follows:

ACCESS TO [~~PUBLIC~~] **GOVERNMENTAL** RECORDS AND MEETINGS

3 Definitions Added. RSA 91-A:1-a is repealed and reenacted to read as follows:

91-A:1-a Definitions. In this chapter:

I. "Advisory committee" means any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.

II. "Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body in furtherance of its official function. The term "governmental records" shall also include the term "public records."

III. "Governmental proceedings" means the transaction of any functions affecting any or all citizens of the state by a public body.

IV. "Information" means knowledge, opinions, facts or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic or other physical form.

V. "Public body" means any of the following:

(a) The general court including executive sessions of committees; and including any advisory committee established by the general court;

(b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council;

(c) Any state agency or authority, including any board or commission thereof, the board of trustees of the university system of New Hampshire and any committee, advisory or otherwise, established by such entities;

(d) Any board, commission, agency or authority, of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

VI. "Quorum" means the minimum number of members required to be present when making decisions on behalf of a public body required by law to act only as a group through joint authority. Unless expressly declared otherwise, one member more than ½ the membership of such a body shall constitute a quorum.

4 Meetings; Nonpublic Sessions; Minutes and Records; Exemptions. Amend RSA 91-A:2-5 to read as follows:

91-A:2 Meetings Open to Public.

I. For the purpose of this ~~[section]~~ **chapter**, a "meeting" ~~[shall mean]~~ **means** the convening of a quorum of the membership of a public body, as ~~[provided]~~ **defined** in RSA 91-A:1-a, ~~[to discuss or act]~~ **whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting** upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. **A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. However, if any such matters are discussed among a quorum of the body, the discussion shall be disclosed at the next meeting of the body.** "Meeting" shall **also** not include:

~~[(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;~~

~~[(b)]~~ **(a)** Strategy or negotiations with respect to collective bargaining;

~~[(c)]~~ **(b)** Consultation with legal counsel; ~~[(d)]~~

~~[(d)]~~ **(c)** A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2[-];

(d) Circulation of draft documents which, when finalized, are intended only to formalize decisions formerly made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications; or

(e) Chance encounters between or among members of the general court who are attending a fundraising event for charitable purposes.

II. ~~[All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies.]~~ **Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public.** Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the **public** bodies ~~[or agencies]~~, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the ~~[public]~~ meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any **public** body ~~[or agency]~~, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places, **one of which may be the public body's Internet website, if such exists**, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the **public** body ~~[or agency]~~ who shall **post a notice of the time and place of such meeting, as soon as practicable, and shall** employ whatever **further** means are **reasonably** available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any **public** body ~~[or agency described in RSA 91-A:1-a]~~ require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

91-A:3 Nonpublic Sessions.

I.(a) **Public** bodies [~~or agencies~~] shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No **public** body [~~or agency~~] may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the **public** body [~~or agency~~] itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the **public** body [~~or agency~~] or any subdivision thereof, or against any member thereof because of his membership in such **public** body [~~or agency~~], until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any **public** body [~~board, or agency~~] for the purposes of this subparagraph.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

(h) Consideration of applications by the business finance authority under RSA 162A:710 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

III. Minutes of [~~proceedings~~] **meetings** in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the **public** body [~~or agency~~] itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

91-A:4 Minutes and Records Available for Public Inspection.

I. Every citizen during the regular or business hours of all ~~such~~ **public** bodies ~~[or agencies]~~, and on the regular business premises of such **public** bodies ~~[or agencies]~~, has the right to inspect all ~~[public]~~ **governmental** records *in the possession, custody, or control of such public bodies*, including minutes of meetings of the **public** bodies ~~[or agencies]~~, and to **copy and** make memoranda~~[-]~~ **or** abstracts~~[-and photographic or photostatic copies]~~ of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. *In this section, "to copy" means the reproduction of original records by whatever method including, but not limited to, photography, photostatic copying, printing, or electronic or tape recording.*

I-a. Records of any payment made to an employee of any public body ~~[or agency listed in RSA 91-A:1-a, 1-a)-(d)]~~, or to the employee's agent or designee, upon the resignation, discharge, or retirement of the employee, paid in addition to regular salary and accrued vacation, sick, or other leave, shall immediately be made available without alteration for public inspection. All records of payments shall be available for public inspection notwithstanding that the matter may have been considered or acted upon in nonpublic session pursuant to RSA 91-A:3.

II. After the completion of a meeting of such **public** bodies ~~[or agencies]~~, every citizen, during the regular or business hours of all such **public** bodies ~~[or agencies]~~, and on the regular business premises of such **public** bodies ~~[or agencies]~~, has the right to inspect all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, ~~[photographic or photostatic copies, or tape record]~~ **or to copy** such notes, materials, tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

III. Each **public** body ~~[or agency]~~ shall keep and maintain all ~~[public]~~ **governmental** records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the ~~[public]~~ **governmental** records pertaining to such **public** body ~~[or agency]~~ shall be kept in an office of the political subdivision in which such **public** body ~~[or agency]~~ is located or, in the case of a state agency, in an office designated by the secretary of state.

III-a. Governmental records created or maintained in electronic form shall remain accessible for the same retention or archival periods as their paper counterparts. Methods that may be used to accomplish this requirement include, but are not limited to, copying to microfilm or paper or to durable electronic media using standard or common file formats.

III-b. A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted in the normal course of business or after the expiration of any statutorily required retention period.

IV. Each public body ~~[or agency]~~ shall, upon request for any ~~[public]~~ **governmental** record reasonably described, make available for inspection and copying any such ~~[public]~~ **governmental** record within its files when such records are immediately available for such release. If a public body ~~[or agency]~~ is unable to make a ~~[public]~~ **governmental** record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a **computer**, photocopying machine or other device maintained for use by a **public** body ~~[or agency]~~ is used by the **public** body ~~[or agency]~~ to copy the ~~[public]~~ **governmental** record ~~[or document]~~ requested, the person requesting the copy may be charged the actual cost of providing the copy, which cost may be collected by the **public** body ~~[or agency]~~. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of ~~[public]~~ **governmental** records ~~[or documents]~~, but if such fee is established for the copy, no additional costs or fees shall be charged.

V. In the same manner as set forth in RSA 91-A:4, IV, any **public** body ~~[or agency]~~ which maintains ~~[its]~~ **governmental** records in ~~[a computer storage system]~~ **electronic form** may, in lieu of providing original ~~[documents]~~ **records**, ~~[provide a printout of any record reasonably described and which the agency has the capacity to produce]~~ **copy governmental records requested to electronic media using standard or common file formats** in a manner that does not reveal information which is confidential under this chapter or any other law. *If copying to electronic media is not reasonably practicable, or if the person or entity requesting access requests a different method, the public body may provide a printout of governmental records requested, or may use any other means reasonably calculated to comply with the request in light of the purpose of this chapter as expressed in RSA 91-A:1.* Access to work papers, personnel data and other confidential information under RSA 91-A:5, IV shall not be provided.

VI. Every agreement to settle a lawsuit against a governmental unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.

VII. Nothing in this chapter shall be construed to require a public body to compile, cross-reference or assemble information into a form in which it is not already kept or reported by that body.

91-A:5 Exemptions. The following **governmental** records are exempted from the provisions of this chapter:

I. Records of grand and petit juries.

II. Records of parole and pardon boards.

III. Personal school records of pupils.

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a **public** body ~~[or agency]~~ from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

V. Teacher certification records~~[-both hard copies and computer files,]~~ in the department of education, provided that the department shall make available teacher certification status information.

VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

VII. Unique pupil identification information collected in accordance with RSA 193-E:5.

VIII. Any notes or other materials made for personal use that do not have an official purpose, including, ***but not limited to***, notes and materials made prior to, during, or after a ~~[public]~~ **governmental** proceeding.

IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of ~~[those entities defined in RSA 91-A:1-a]~~ ***the members of a public body***.

5 Remedies. Amend RSA 91-A:8 to read as follows:

91-A:8 Remedies.

I. If any **public** body ~~[or agency]~~ or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a ~~[public]~~ **governmental** record or refuses access to a ~~[public]~~ **governmental** proceeding to a person who reasonably requests the same, such **public** body~~[-agency,]~~ or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter provided that the court finds that such lawsuit was necessary in order to make the information available or the proceeding open to the public. Fees shall not be awarded unless the court finds that the **public** body~~[-agency]~~ or person knew or should have known that the conduct engaged in was a violation of this chapter or where the parties, by agreement, provide that no such fees shall be paid. In any case where fees are awarded under this chapter, upon a finding that an officer, employee, or other official of a public body ~~[or agency]~~ has acted in bad faith in refusing to allow access to a ~~[public]~~ **governmental** proceeding or to provide a ~~[public]~~ **governmental** record, the court may award such fees personally against such officer, employee, or other official.

I-a. The court may award attorneys' fees to a ~~[board, agency]~~ **public body** or employee or member thereof, for having to defend against a person's lawsuit under the provisions of this chapter, when the court makes an affirmative finding that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

II. The court may invalidate an action of a public body ~~[or agency]~~ taken at a meeting held in violation of the provisions of this chapter, if the circumstances justify such invalidation.

III. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

6 Reference Change. Amend RSA 42:1-a, II (a) and (b) to read as follows:

(a) A public body properly voted to withhold that information from the public by a vote of 2/3, as required by RSA 91-A:3, III, and if divulgence of such information would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body ~~[or agency;]~~ or would render proposed municipal action ineffective; or

(b) The officer knew or reasonably should have known that the information was exempt from disclosure pursuant to RSA 91-A:5, and that its divulgence would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body ~~[or agency;]~~ or would render proposed municipal action ineffective.

7 New Section; Communications Outside Meetings. Amend RSA 91-A by inserting after section 2 the following new section:

91-A:2-a Communications Outside Meetings.

I. Any communications outside a meeting, in whatever form, among a quorum of the membership of a public body which bear upon matters over which the body has supervision, control, jurisdiction, or advisory power shall be disclosed at the next meeting of the body before any decision may be made, including a decision not to act. If such communications are in writing, copies or printouts shall be made a part of the public record. Communications among less than a quorum of members need not be disclosed. Communications described in RSA 91-A:2, I(a)-(d) are not subject to the disclosure requirements of this paragraph.

II. Communications outside a meeting, including but not limited to sequential communications among the members of a public body, shall not be used to circumvent the spirit of this chapter.

8 Board of Tax and Land Appeals; Board Meetings; Hearing Procedures. Amend RSA 71-B:7 to read as follows:

71-B:7 **Board Meetings;** Hearing Procedure.

I. The board shall conduct all hearings and vote on final proposed rules and the adoption of rules in meetings held pursuant to RSA 91-A. Adoption of orders, rulings on motions, internal administrative actions, deliberations and other communications involving a quorum of the board shall be exempt from the meeting, notice, and disclosure provisions of RSA 91-A. Work papers, including, but not limited to, all preliminary drafts, notes, memoranda and other documents not in their final form, created or used by the board, are exempted from the provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced to writing, signed by a quorum of the board, and served upon the parties.

II. Whenever the board shall hold hearings, it shall not be bound by the strict rules of evidence adhered to in the superior courts in this state. The board shall introduce into evidence and may take into consideration in determining any question any information obtained through its own investigation, including information obtained by persons employed under RSA 71-B:14. ~~[In addition to the provisions of RSA 91-A,]~~ The board shall tape record the proceedings of any taxation hearing before it and shall make such tape recording available to the public for inspection and recording from the date of the hearing to a date which is 15 working days after the board has made a final decision on the matter which is the subject of the hearing, or, if an appeal is made from such decision, the date upon which the matter has been finally adjudicated, whichever date is later.

9 New Section; Public Utilities Commission. Amend RSA 363 by inserting after section 17-b the following new section:

363:17-c Meetings of the Commission. The commission shall conduct all hearings and vote on final proposed rules and the adoption of rules in meetings held pursuant to RSA 91-A. Adoption of orders, rulings on motions, internal administrative actions, deliberations and other communications involving a quorum of the commission shall be exempt from the meeting, notice, and disclosure provisions of RSA 91-A; provided, however, that all orders and rulings on motions in adjudicative proceedings shall be disclosed in public meetings or hearings of the commission held pursuant to RSA 91-A.

10 New Paragraph; Public Utilities; Rates and Charges. Amend RSA 378:43 by inserting after paragraph III the following new paragraph:

IV. Work papers, including, but not limited to, all preliminary drafts, notes, memoranda, and other documents not in their final form, created or used by the commission are exempt from the provisions of RSA 91-A.

11 Site Evaluation Committee. Amend RSA 162-H:10, II to read as follows:

II. Except for informational hearings, subsequent hearings shall be in the nature of adversary proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session. ***Deliberations and other communications involving a quorum of the site evaluation committee and, if a bulk power supply facility application, the commission, shall be exempt from the meeting, notice, and disclosure provisions of RSA 91-A; provided, however, that all orders and rulings on motions in adjudicative proceedings shall be disclosed in public meetings or hearings of the site evaluation committee or commission, as applicable, held pursuant to RSA 91-A or through publication of a written order setting forth findings of fact and conclusions of law. Work papers, including, but not limited to, all preliminary drafts, notes, memoranda, and other documents not in their final form, created or used by the site evaluation committee or the commission are exempt from the provisions of RSA 91-A.***

12 Nuclear Decommissioning Finance Committee. Amend RSA 162-F:21, I to read as follows:

I. Each committee shall hold at least one public hearing to receive information on funding requirements for each fund. The committee shall have the authority to subpoena witnesses and administer oaths and to compel by subpoena duces tecum the production of any accounts, books, contracts, records, documents, memoranda, and papers in order to determine the amount needed for the fund. ***Deliberations and other communications involving a quorum of the nuclear decommissioning finance committee shall be exempt from the meeting, notice, and disclosure provisions of RSA 91-A, provided; however, that all orders and rulings on motions in adjudicative proceedings shall be disclosed in public meetings or hearings of the nuclear decommissioning finance committee held pursuant to RSA 91-A or through publication of a written order pursuant to RSA 162-F:21, III and IV. Work papers, including, but not limited to, all preliminary drafts, notes, memoranda, and other documents not in their final form, created or used by the nuclear decommissioning finance committee are exempt from the provisions of RSA 91-A.***

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

2006-2073s

AMENDED ANALYSIS

This bill:

I. Clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business.

II. Clarifies certain administrative procedures of the board of tax and land appeals and the public utilities commission with respect to RSA 91-A.

III. Changes the definition of quorum for the purposes of the right-to-know law.

IV. Excludes chance encounters between or among members of the general court who are attending a fundraising event for charitable purposes.

MOTION TO TABLE

Senator Roberge moved to have HB 626-FN-L laid on the table.

Adopted.

LAIID ON THE TABLE

HB 626-FN-L, relative to the right-to-know law.

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Martel for the committee.

Public and Municipal Affairs

April 19, 2006

2006-1925s

09/01

Amendment to HB 1305-LOCAL

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

AN ACT authorizing municipalities to adopt regulations relative to businesses obtaining municipal permits.

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

2 New Section; Town Regulations; Businesses Obtaining Municipal Permits. Amend RSA 41 by inserting after section 11-b the following new section:

41:11-c Regulations; Businesses Obtaining Municipal Permits. The selectmen may establish regulations relative to businesses obtaining municipal permits. Any person who violates a regulation established under this section shall be guilty of a violation.

2006-1925s

AMENDED ANALYSIS

The bill authorizes municipalities to adopt regulations relative to businesses obtaining municipal permits.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Sen. Barnes, Dist. 17

April 26, 2006

2006-2057s

08/10

Amendment to HB 1436-LOCAL

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

AN ACT authorizing municipal and county biennial budgets for a 24-month period and authorizing a fee of up to \$500 for games of chance licenses.

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

2 Games of Chance; Fees. Amend RSA 287-D:5 to read as follows:

I. An applicant for a license under this chapter shall apply to the chief of police, and upon payment of ~~[a fee of \$25]~~ **the fees established by this paragraph**, and if the applicant meets all other requirements of this chapter, a license shall be issued. ~~[The fee shall be paid to the city or town treasurer for the use of the city or town.]~~ **As determined by the governing body, a fee of up to \$500 shall be paid by the applicant for a license to the city or town treasurer for the use of the city or town. In addition, a fee of up to \$500, as determined by the governing body, for each day a game of chance will be operated under the license, shall be paid to the city or town treasurer for the use of the city or town, by the person or persons other than the charitable organization itself, who lease, sell, or otherwise provide the facility, game of chance paraphernalia, or equipment to the charitable organization for use during the games of chance to be licensed.** Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive.

2006-2057s

AMENDED ANALYSIS

This bill authorizes municipal and county biennial budgets for one distinct 24-month fiscal year or 2 distinct 12-month fiscal years.

This bill also authorizes a fee of up to \$500 for games of chance licenses.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

The following Senators voted Yes: Boyce, Clegg, Gatsas, Barnes.

The following Senators voted No: Gallus, Johnson, Kenney, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Larsen, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.

Yeas: 4 - Nays: 19

Amendment failed.

The question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 1508, relative to acceptance of applications by planning boards. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Martel for the committee.

Sen. Clegg, Dist. 14

April 18, 2006

2006-1878s

03/10

Amendment to HB 1508

Amend the bill by replacing section 1 with the following:

1 Building Permits to be Withheld in Certain Cases; Plat or Application Subject of Notice. Amend RSA 676:12, VI to read as follows:

VI. The provisions of paragraph I shall not apply to any plat or application which has been [formally accepted] ***the subject of notice*** by the planning board pursuant to RSA 676:4, [I(b)] ***I(d)*** prior to the first legal notice of a proposed change in a building code or zoning ordinance or any amendment thereto. No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application [formally accepted] ***which has been the subject of notice*** by the planning board pursuant to RSA 676:4, [I(b)] ***I(d)*** so long as said plat or application was [accepted] ***the subject of notice*** prior to the first legal notice of said change or amendment. ***The provisions of this paragraph shall apply to proposals submitted to a planning board for preliminary review pursuant to RSA 676:4, II, provided that a formal application is filed with the planning board within 12 months of the end of the preliminary review process.***

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1582, prohibiting New Hampshire from participating in a national identification card system. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

May 3, 2006

2006-2177s

05/04

Floor Amendment to HB 1582

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

AN ACT establishing a commission to study the REAL ID Act of 2005, Public Law 109-13.

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

1 Commission Established. There is established a commission to study the REAL ID Act of 2005, Public Law 109-13.

2 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of safety, or designee.
- (d) The director of the division of emergency services, communications and management, department of safety, or designee.
- (e) The director of motor vehicles, department of safety, or designee.
- (f) The governor, or designee.
- (g) The state treasurer, or designee.
- (h) The bank commissioner, or designee.
- (i) The secretary of state, or designee.
- (j) The attorney general, or designee.
- (k) A member of the New Hampshire Association of Chiefs of Police, appointed by that organization.
- (l) A member of the New Hampshire Police Association, appointed by that organization.
- (m) A member of the New Hampshire State Troopers Association, appointed by that organization.
- (n) A member of the Professional Firefighters of New Hampshire - International Association of Firefighters, appointed by that organization.

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

3 Duties. The commission shall examine the state implications of adopting the REAL ID Act of 2005, including the requirements of the federal legislation, compliance deadlines, and federal funding opportunities. The commission shall assess the cost and benefit of New Hampshire's participation or nonparticipation in the national identification card system established by the Act.

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

5 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 November 1, 2006.

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

2006-2177s

AMENDED ANALYSIS

This bill establishes a commission to study the REAL ID Act of 2005.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Larsen.

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

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

Yeas: 14 - Nays: 9

Floor amendment adopted.

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

A roll call was requested by Senator Burling.

Seconded by Senator Bragdon.

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

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

Yeas: 14 - Nays: 9

Adopted.

Ordered to third reading.

HB 1295, requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Commerce

April 26, 2006

2006-2071s

05/10

Amendment to HB 1295

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

AN ACT relative to notice brake shift interlock and key positions by automobile dealers to consumers.

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

1 New Section; Equipment on Vehicles; Notification of Brake Shift Interlock and Key Positions. Amend RSA 266 by inserting after section 27-a the following new section:

266:27-b Notification of Brake Shift Interlock and Key Position by Automobile Dealers.

I. All motor vehicle dealers shall post the following notice in a prominent location at their place of business:

Important Safety Factors Regarding Automatic Transmissions and Key Positions

1. Most newer model motor vehicles with automatic transmissions are engineered with a "brake shift interlock" system as a safety mechanism, which prevents movement from the "park" position unless the service brake is applied.

2. Some vehicles are engineered whereby the vehicle may be shifted from "park" to "neutral" in a "key" position before the engine has been started without applying the service brake, which may cause the vehicle to roll. Your vehicle may not contain roll prevention safety in all key positions.

3. Consumers should become familiar with the specific characteristics of their vehicles in all "key" positions.

4. It is strongly recommended that the "parking" brake be engaged when the vehicle is parked on a grade.

II. Nothing in this section imposes any liability on a motor vehicle dealer or creates a cause of action by a consumer against a dealer.

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

2006-2071s

AMENDED ANALYSIS

This bill requires motor vehicle dealers to post a notice regarding the operation of brake shift interlock systems and key positions.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 1581, relative to drivers' licenses issued to persons under the age of 21. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

April 20, 2006

2006-1914s

03/01

Amendment to HB 1581

Amend the bill by replacing section 1 with the following:

1 Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. *Licenses issued to persons under the age of 21 shall be designed so that their horizontal and vertical axes are opposite the horizontal and vertical axes of licenses issued to other persons, and said licenses shall prominently display the date on which the licensee shall attain the age of 21 years. Consistent with RSA 263:14, the youth operator license shall expire on the 21st anniversary of the applicant's date of birth, at which time the applicant shall be issued a tradition license.* The license shall bear thereon a distinguishing number assigned to the licensee and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his *or her* blood type if [he] *the licensee* so desires.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Kenney moved to have HB 1574 taken from the table.

Adopted.

HB 1574, relative to membership on the public employees deferred compensation commission.

The question is on the committee amendment (#2078).

Amendment failed.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

Sen. Kenney, Dist. 3

May 4, 2006

2006-2206s

09/10

Floor Amendment to HB 1574

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

AN ACT relative to membership on the public employees deferred compensation commission and relative to criminal penalties for certain securities violations.

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

2 Securities; Criminal Penalty. Amend RSA 421-B:24, I to read as follows:

I. Any person who willfully violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5 or [a] ***fails to comply with an order from the secretary of state to*** cease and desist [order] or ***for an*** injunction issued pursuant to RSA 421-B:23, ***or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26,*** or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

2006-2206s

AMENDED ANALYSIS

This bill replaces the director of the office of securities regulation with the secretary of state or designee as a member of the public employees deferred compensation commission.

The bill also makes it a crime to fail to comply with certain orders of the secretary of state regarding securities violations.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1580, relative to the child support formula. Ways and Means Committee. Ought to pass with amendment, Vote 2-1. Senator Boyce for the committee.

Sen. D'Allesandro, Dist. 20

April 26, 2006

2006-2069s

05/04

Amendment to HB 1580

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Child Support Guidelines; Definition of Day. Amend RSA 458-C:2 by inserting after paragraph III the following new paragraph:

III-a. "Day" means more than 12 hours of a calendar day which is spent by a child under the control of a parent, and that parent expends a reasonable amount of resources on the child during such time period, such as the cost of a meal or other costs directly related to the care and supervision of the child. Partial days of parenting time that are not consistent with this definition shall not be considered a "day" under the child support guidelines. A "day" under the control of a parent includes a day the child is not in the parent's home, but is under the parent's control, for example, with the parent's permission at camp or with friends.

9 Commission to Study Child Support Extended to December 2007. Amend 2005, 256:1 and 256:2 to read as follows:

256:1 Extension of Commission to Study Child Support and Related Child Custody Issues. The commission to study child support and related child custody issues, established in 2003, 277 (HB 310), shall be extended in order to continue studying the recommendations of its final report dated December 4, 2004, as well as any new economic data on the cost of raising children in New Hampshire, and to serve as a continuing resource to the general court and the department of health and human services in revising, if appropriate, the child support guidelines. The commission shall study the problem of how many financial "add-ons" parents can afford over and above their child support obligation and how that affects the ability to pay child support obligations. The incumbent house members of the commission shall call the meeting to reconvene the commission. Upon reconvening, the commission shall elect a chairperson and vice-chairperson from among the members and shall meet with such frequency as the commission deems appropriate. A vacancy on the commission shall be filled by the original appointing authority. The commission shall submit a final report relative to implementation of its recommendations on or before December 1, [2006] **2007**, as well as any new economic data on the cost of raising children, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

256:2 Appropriation to Department of Health and Human Services; Economist. The sum of \$80,000 is hereby appropriated to the department of health and human services, for the fiscal year ending June 30, [2006] **2007**, for the purpose of hiring economists to assist in revising the child support guidelines. The department also

may accept any matching federal funds available for such purpose. The economists shall be qualified to assist the department and the commission to study child support and related child custody issues, established in 2003, 277 (HB 310), in developing, if appropriate, a basic cost model or similar method that will consider an equitable and affordable sharing of child support obligations and that will ensure that the best interests of the child have been taken into consideration in determining child support awards. ***The economist shall report his or her findings and recommendations relative to the New Hampshire child support guidelines to the department of health and human services and the commission to study child support and related child custody issues, established in 2003, 277, as amended by 2005, 256:1 and this section.*** [The] Funds ***appropriated in this section*** shall be 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 sums out of any money in the treasury not otherwise appropriated.

10 Effective Date.

I. Sections 1-8 of this act shall take effect January 1, 2008.

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

2006-2069s

AMENDED ANALYSIS

This bill amends the child support formula so that child support amounts are based primarily on income and the amount of time that the child spends with each parent. The changes shall take effect January 1, 2008.

The bill also directs the parties to file their child support worksheets with the court and requires the court to provide the basis for either adjusting or declining to adjust the guidelines for special circumstances.

The bill also extends the commission to study child support and related child custody issues, established in 2003, 277, to December 1, 2007 and extends the appropriation for an economist to review and revise the child support guidelines.

MOTION TO TABLE

Senator Roberge moved to have HB 1580 laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Roberge.

Seconded by Senator Barnes.

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

The following Senators voted No: Boyce, Eaton, Bragdon, Clegg, Gatsas, Letourneau, Morse.

Yeas: 16 - Nays: 7

Adopted.

LAIID ON THE TABLE

HB 1580, relative to the child support formula.

MOTION TO REMOVE FROM THE TABLE

Senator Barnes moved to have HB 1580 taken from the table.

The question is on the motion to remove from the table.

A roll call was requested by Senator Roberge.

Seconded by Senator Barnes.

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

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

Yeas: 16 - Nays: 7

Adopted.

HB 1580, relative to the child support formula.

The question is on the adoption of the committee amendment (#2069).

Amendment failed.

The question is on the motion of ought to pass.

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

The following Senators voted Yes: Johnson, Kenney, Boyce, Eaton, Clegg, Gatsas, Martel, Letourneau, Morse.

The following Senators voted No: Gallus, Burling, Green, Flanders, Odell, Roberge, Bragdon, Gottesman, Foster, Larsen, Barnes, Estabrook, Hassan, Fuller Clark.

Yeas: 9 - Nays: 14

Motion failed.

Senator Burling moved inexpedient to legislate.

The question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Burling, Green, Flanders, Odell, Roberge, Bragdon, Gottesman, Foster, Larsen, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Johnson, Kenney, Boyce, Eaton, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 13 - Nays: 10

Adopted.

HB 1580 is inexpedient to legislate.

HB 76, relative to distribution of state aid to charter schools. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Green for the committee.

Senate Finance

May 2, 2006

2006-2126s

04/09

Amendment to HB 76

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

AN ACT relative to distribution of state aid to charter schools; relative to establishing the 21st century scholars program and making an appropriation therefor; and relative to funding for charter schools.

Amend RSA 194-B:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools from the education trust fund established in RSA 198:39.

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

5 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.

II. "Department" means the department of revenue administration.

III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in kindergarten through grade 12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. "Program" means the 21st century scholars program.

VII. "Qualified school" means a public or nonpublic school in our state that complies with all of the requirements of the program.

VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office 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) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

(a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and in which public school districts those pupils reside.

(b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.

(c) Create and provide to the public a procedure for applying to the program.

(d) Consult appropriate professional organizations and establish standards providing educational scholarships.

(e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from private or public funds. The board shall determine the number of staff members necessary to administer the corporation.

(g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random lottery among scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils attending qualified schools for any purpose approved by the board including, but not limited to:

(1) \$3,500 for families that have a family income of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families that have a family income between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(o) Conduct criminal background checks on all employees of the corporation, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(p) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. In the first year of the program, parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of Qualified Schools.

I. All qualified schools shall:

(a) Operate in New Hampshire;

(b) Comply with 42 U.S.C. section 2000d et seq.; and

(c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

V. No nonpublic school shall apply any funds received under this chapter to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:6 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil's eligibility to receive special education services upon such pupil's return to the school district in which he or she resides

6 New Paragraph; School Money; Distribution Schedule of Equitable Education Grants. Amend RSA 198:42 by inserting after paragraph III the following new paragraph:

IV. For the fiscal year beginning July 1, 2006, and every fiscal year thereafter, the amount necessary to fund charter school tuition payments under RSA 194-B:11, I is hereby appropriated to the department from the education trust fund established under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this paragraph. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of charter school tuition payments.

7 Charter Schools; Start-Up Grants. A charter school whose charter application was approved between September 1, 2005 and March 31, 2006 shall, upon application to the commissioner of the department of education (commissioner), receive a grant of \$100,000 to be used only for start-up costs and non-operational costs related to the initial opening of the charter school such as acquisition of classroom space, rent, cost of initial supplies, teacher salary and training, staffing costs, and utilities. Such funds shall not be used for tuition expenses. These grants shall be a charge against the education trust fund established in RSA 198:39, and the commissioner shall disburse the grants no later than 30 days from the date of the application. The commissioner shall develop a form suitable for the requirements of this section. The grants provided under this section shall not lapse.

8 Department of Education; Curriculum and Assessment. Amend PAU 06, 03, 02, 05, 01, for the 2007 fiscal year by inserting after class line 95 the following new class line:

96 Charter School Start-up Grants * 400,000

* THESE FUNDS SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE.

9 Department of Education; Curriculum and Assessment. Amend the 2007 fiscal year totals and source of funds for PAU 06, 03, 02, 05, 01 as follows:

Strike out:

FISCAL YEAR 2007	
TOTAL	2,498,373
ESTIMATED SOURCE OF FUNDS FOR	
CURRICULUM AND ASSESSMENT	
GENERAL FUND	2,498,373
TOTAL	2,498,373

Insert in place thereof:

FISCAL YEAR 2007	
TOTAL	2,898,373
ESTIMATED SOURCE OF FUNDS FOR	
CURRICULUM AND ASSESSMENT	
GENERAL FUND	2,498,373
EDUCATION REVENUE	400,000
TOTAL	2,898,373

10 Appropriation. Notwithstanding the introductory paragraph to RSA 198:39, I, there is hereby appropriated the sum of \$250,000, for the biennium ending June 30, 2007, from the education trust fund established in RSA 198:39 to the 21st century scholars fund established in RSA 193-I. Such sum shall be a charge against the education trust fund.

11 Effective Date.

I. Sections 8-10 of this act shall take effect on July 1, 2006.

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

2006-2126s

AMENDED ANALYSIS

This bill:

I. Requires the state to pay education aid directly to a charter school approved by the state board of education, and requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

II. Establishes the 21st century scholars program, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in kindergarten through grade 12 to attend a qualified school and appropriated \$250,000 from the education trust fund for the program.

III. Provides that moneys necessary to fund charter schools shall be appropriated from the education trust fund.

IV. Provides that the amount necessary to fund charter school tuition payments shall be appropriated from the education trust fund.

V. Provides for a one-time, \$100,000 start-up grant from the education trust fund for each charter school whose charter application was approved between September 1, 2005 and March 31, 2006, and amends the state operating budget for the 2007 fiscal year to provide funds for such grants.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 8

Amendment adopted.

Senator Estabrook 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. Fuller Clark, Dist. 24
 May 4, 2006
 2006-2201s
 04/01

Floor Amendment to HB 76

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

AN ACT relative to distribution of state aid to charter schools.

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

1 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, ~~[the pupil's resident district shall pay tuition beginning July 1, 2005 and every fiscal year thereafter,]~~ **and not approved by the local school district, the state shall pay education aid directly to the charter school for each pupil who is a resident of this state in attendance at such charter school** ~~[in an amount per pupil determined]~~ as follows:

(a) For the fiscal year beginning July 1, 2005, \$3,500 annual tuition.

(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined.

(c) Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of equitable education grants under RSA 198:42 or on such other terms as are mutually acceptable.

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools from the education trust fund established in RSA 198:39.

2 State Aid; Education Trust Fund. 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 adequate education grants to municipalities' school districts **and to approved charter schools** pursuant to RSA 198:42, 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:

3 New Paragraph; Charter and Open Enrollment Schools; Board of Trustees. Amend RSA 194B:5 by inserting after paragraph VI the following new paragraph:

VII. Any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services shall make public disclosure of such fact and shall recuse oneself from any business the charter school may have with the for-profit entity. Any contract executed in violation of this paragraph shall be voidable at the discretion of the commissioner of the department of education. A member of a charter school board of trustees who executes a contract in violation of this paragraph may be held personally liable to the charter school for any damages caused by such contract.

4 Repeal. RSA 194-B:11, IX, relative to the issuance of reimbursement anticipation notes to charter schools, is repealed.

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

2006-2201s

AMENDED ANALYSIS

This bill requires the state to pay education aid directly to a charter school approved by the state board of education and requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Estabrook.

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.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 8

Adopted.

Ordered to third reading.

HB 638-FN, relative to county and state financing of nursing home services. Finance Committee. Ought to pass with amendment, Vote 4-0. Senator Morse for the committee.

Senate Finance

May 2, 2006

2006-2135s

10/04

Amendment to HB 638-FN

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

AN ACT relative to county liability for payment of nursing home facility costs, long term care financing, and relative to the county-state finance commission.

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

1 Certificate of Need; Nursing Home Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending [~~December 31, 2006~~] **June 30, 2009**, except that a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

2 Rehabilitation Beds. Amend 2004, 260:27 to read as follows:

260:27 Health Services Planning and Review Board; Rehabilitation Beds and Services. Through the period ending [~~December 31, 2006~~] **June 30, 2009** unless sooner authorized by the general court, the health services planning and review board shall not authorize changes regarding the licensure or certification of any rehabilitation beds in any type of facility, shall not authorize the addition of any rehabilitation beds in any type of facility, and shall not grant any certificate of need related to the board's administrative standards for comprehensive physical rehabilitation services. This section shall not prohibit the voluntary transfer of rehabilitation beds between 2 licensed health care facilities; provided, that any such transaction does not result in an increase in the number of any type of rehabilitation beds in the state.

3 Reference Changed. Amend RSA 151-E:6-b to read as follows:

151-E:6-b Memorandum of Agreement. The department of health and human services shall establish, by means of a memorandum of agreement with the New Hampshire Association of Counties, a mechanism for the receipt of input from the Association of Counties regarding the type, cost, utilization, and procedures relative to payments which the counties are obligated to make pursuant to RSA [~~167:18-b~~] **167:18-a**. The memorandum of agreement shall be reviewed annually and amended as may be determined to be necessary by the parties.

4 Reference Changed. Amend RSA 151-E:15, IV to read as follows:

IV. Notwithstanding the provisions of RSA [~~167:18-b, f~~] **167:18-a**, no county shall be required to make any contribution to the distribution under this section.

5 County Reimbursements; Limitation on Payments. RSA 167:18-a is repealed and reenacted to read as follows:

167:18-a County Reimbursement of Funds; Limitations on Payments.

I. All expenditures in carrying out the purposes of this chapter and RSA 161 relative to recipients of old age assistance and aid to the permanently and totally disabled shall in the first instance be made by the state, but each county shall make monthly payments to the state for the amounts due under this section within 45 days from notice thereof.

(a) Counties shall reimburse the state for expenditures for recipients of old age assistance or aid to the permanently and totally disabled for whom such county is liable to the extent of 50 percent of state supplemental financial assistance.

(b) Counties shall reimburse the state for expenditures for recipients for whom such county is liable who are eligible for nursing home care and are receiving services from a New Hampshire licensed nursing home, or in another New Hampshire setting as an alternative to a nursing home placement and are supported under the Medicaid home and community-based care waiver for the elderly and chronically ill, as such waiver may be amended from time to time, to the extent of 60 percent of the non-federal share of such expenditures.

(c) Counties shall not be liable for Medicaid recipients in state institutions and intermediate care facilities for the mentally retarded (ICF-MR) approved by the department of health and human services and servicing developmentally impaired persons.

II. The total reimbursements by all counties made pursuant to this section and RSA 167:18f shall not exceed the amounts set forth below for the state fiscal years 2007-2009:

(a) State fiscal year 2007	\$78,000,000.
(b) State fiscal year 2008	\$81,000,000.
(c) State fiscal year 2009	\$84,000,000.

III.(a) Any shortfall between the state audited Medicaid allowances incurred by the state's county operated ICF nursing homes and amounts otherwise reimbursed by federal 50 percent Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible for additional federal funding match.

(b) The department of health and human services shall seek federal Medicaid assistance match for any state audited county nursing home Medicaid expense which is not fully reimbursed through rates. Any revenue realized through such a match shall be paid to the nursing homes which incurred the unreimbursed expense, provided, however, that no state general funds are expended directly or indirectly for this purpose.

6 Delinquent Payments. Amend RSA 167:18-e to read as follows:

167:18-e Delinquent Payments. Delinquent payments due under RSA 167:18-a[~~167:18-b~~] and 167:18-f, with interest at the rate of 12 per centum per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

7 County Nursing Homes; Local Medical Assistance Contribution. Amend RSA 167:18-f to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of [~~\$27~~] **\$6** per month for each recipient of old age assistance and [~~\$52~~] **\$23** per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA [~~167:18-b~~] **167:18-a**.

8 Appropriation; Health and Human Services. The sum of \$4,650,061 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 County Credit for Contributions. Any county reimbursement under RSA 167:18-f made from July 1, 2005 until June 30, 2006 which exceeds the rate for reimbursement provided in section 7 of this act shall be credited to the counties for the year ending June 30, 2006 for fulfilling the local medical assistance contribution.

10 Medical Parole. Amend RSA 651-A:10-a, VII to read as follows:

VII. Notwithstanding RSA [~~167:18-b~~] **167:18-a**, the state shall be responsible for all medicaid costs incurred, net of federal reimbursement, for any inmate granted medical parole under this section, until the earliest date on which parole could have been granted had the inmate not been granted medical parole.

11 County-State Long Term Care Commission. Amend RSA 28-B to read as follows:

CHAPTER 28-B

COUNTY-STATE [FINANCE] **LONG TERM CARE** COMMISSION

28-B:1 Commission Established. There is hereby established the county-state [~~finance~~] **long term care** commission which shall consist of the following members:

I. The commissioner of the department of health and human services.

II. The director of the division of elderly and adult services in the department of health and human services.

III. [~~Three~~] **Two** members appointed by the commissioner of the department of health and human services, and one member appointed by the governor and council, who shall serve 2-year terms, provided that the initial terms of 2 such members shall be for one year.

IV. [~~Six~~] **Four** members representing county government, [~~all~~] appointed by the **commissioner's council of the** New Hampshire Association of Counties, who shall serve 2-year terms, [~~provided that the initial terms of 3 such members shall be for one year.~~] **2 of whom shall represent counties with population of more than 100,000 and 2 of whom shall represent counties with population of less than 100,000.**

V. Four members of the general court, with 2 house of representatives members, one of whom shall be a member of the house finance committee appointed by the speaker of the house of representatives, and 2 senate members, one of whom shall be a member of the senate finance committee, appointed by the president of the senate. General court members shall serve for their elected term of office.

28-B:2 Chairperson; Meetings. The commission shall elect a chairperson from among its members, provided that the chair shall alternate between a state and a county representative in a manner determined by the commission. The commission shall meet at least quarterly and shall adopt rules for its procedures. ***The department of health and human services shall provide staff assistance in support of the commission.***

28-B:3 Duties of the Commission. The county-state [finance] ***long term care*** commission shall oversee the financial relationship and the development of policy associated with programs for which the county and state governments share funding obligations. The commission shall have the following responsibilities:

I. Review and [~~provide recommendations about~~] ***approve*** the state's long-term care medicaid plan under RSA 151-E and related provisions which address programs for which counties have financial obligation prior to submission of such plans to the federal medicaid agency.

II. Review and provide recommendations regarding department of health and human services rate setting and adjustments [~~including, but not limited to, those for~~] ***related to*** long-term care services for elderly and adult clients by the division of elderly and adult services, court-ordered and volunteer services by the division for children, youth, and families, and the division of juvenile justice services, prior to any rate setting or adjustments.

III. Review and provide recommendations for refinement of county billing systems for all payments from the counties to the state.

IV. Pursue and evaluate funding options.

~~[V. Develop a process for managing individual county payment limits under RSA 167:18-b, IV. In no event shall the individual county payment limit reduce or alter the total county obligation under RSA 167:18-b, IV.]~~

12 Long-Term Care; Program Management. Amend RSA 151-E:11 to read as follows:

151-E:11 Program Management and Cost Controls.

I. The department shall designate in its operating budget requests specific class lines for nursing facility, mid-level, and home-based care provided for in this chapter. These class lines shall reflect, and the requesting documentation shall include, the anticipated number of persons to receive services. The department shall not increase expenditures in approved budgets for these class lines or the number of persons to receive mid-level or home care services without the ***final*** approval of the legislative fiscal committee, and the prior [~~review~~] ***approval*** of the county-state [finance] ***long term care*** commission. The medicaid rates paid for nursing facility services, mid-level care services, and home and community-based care services shall not be reduced below those levels in effect on the last day of the previous biennium. No transfers may be made from the nursing facility medicaid quality incentive program and all funding derived from that program shall be paid to nursing facilities.

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. Average annual costs shall be the net medicaid costs exclusive of provider payments. No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state [finance] ***long term care*** commission and the legislative fiscal committee.

13 Rulemaking; Public Assistance; County-State Long-Term Care Commission. Amend RSA 167:3-c, XIII to read as follows:

XIII. The administration of the payment of funds for persons eligible to receive nursing home services. Prior to the submission of proposed rules under RSA 541-A, such rules shall be submitted for review by the county-state [finance] ***long term care*** commission under RSA 28-B.

14 Repeal. The following are repealed:

I. RSA 167:18-b, relative to county reimbursement for nursing home services.

II. RSA 167:20, relative to establishing the public assistance fund.

III. 1998, 388:16, I and II, relative to the repeal of RSA 167:18-b and 18-f.

IV. 1998, 388:17, II, as amended by 2003, 223:8, 2004, 260:9, and 2005, 177:10 relative to the effective date of the repeal of RSA 167:18-b and 18-f.

15 Prospective Repeal; July 1, 2009. RSA 167:18-a, relative to county reimbursement of funds, is repealed.

16 Effective Date.

I. Section 7 of this act shall take effect July 1, 2005 at 12:01 a.m.

II. Sections 8 and 9 of this act shall take effect June 30, 2006.

III. Section 15 of this act shall take effect July 1, 2009.

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

2006-2135s

AMENDED ANALYSIS

This bill:

I. Establishes the liability of counties for nursing home costs and long term care costs.

II. Removes the increase in county payments for old age assistance and aid to the permanently and totally disabled.

III. Extends the moratoriums on nursing home and rehabilitation beds.

IV. Renames the county-state finance commission as the long term care commission, increases its membership, and changes the duties of the commission.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 678-FN, relative to the insurance premium tax. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Clegg for the committee.

Sen. Gatsas, Dist. 16

May 2, 2006

2006-2116s

03/10

Amendment to HB 678-FN

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3.

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

3 Insurance Premium Tax; Collection. Amend RSA 400-A:32, II to read as follows:

II. (a) For the calendar year ending December 31, 2006, on or before March 15, June 15, September 15, and December 15 ~~[of each year]~~, every authorized insurer required to pay a tax in accordance with RSA 400-A:32, I shall pay to the insurance commissioner an amount equal to 1/4 of the previous calendar year's tax paid pursuant to said paragraph; provided, however, any authorized insurer having an estimated liability of \$100 or less for each quarter shall make payment in full on March 15. These payments shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

(b) For the calendar year ending December 31, 2007, and for every year thereafter, on or before March 15 of each year every authorized insurer required to pay a tax in accordance with RSA 400-A:32, I shall make payment in full to the insurance commissioner of an amount equal to 100 percent of the previous calendar year's taxes paid pursuant to said paragraph. The payments shall be considered as a partial payment of the tax upon the business done in the state during the calendar year in which the payment was received.

4 Insurer Retention Plan; Reporting.

I. The insurance commissioner and the commissioner of the department of resources and economic development shall mutually develop and implement a comprehensive plan to retain domestic insurers

and recruit foreign insurers to redomesticate in New Hampshire with the goal of retaining and creating jobs and the economic activity associated therewith. The plan shall be jointly filed with the fiscal committee of the general court on or before September 30, 2006.

II. The insurance commissioner and the commissioner of the department of resources and economic development shall jointly file a report detailing the results of the implementation of their filed plan, including information on the number of redomestications and new jobs associated therewith with the fiscal committee of the general court on or before July 1, 2007, and every month thereafter, until such time as the fiscal committee shall certify that there is no longer a need to file such report.

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

2006-2116s

AMENDED ANALYSIS

This bill:

I. Reduces the insurance premium tax.

II. Changes insurance premium tax payments from quarterly to annual.

III. Requires development and implementation of an insurer retention plan.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Fuller Clark.

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

Amendment adopted.

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

A roll call was requested by Senator Clegg.

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 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program. Finance Committee. Ought to pass with amendment, Vote 4-2. Senator Morse for the committee.

Senate Finance

May 2, 2006

2006-2157s

04/10

Amendment to HB 1331

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

AN ACT relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program and making an appropriation therefor.

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

1 New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government [~~whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented~~]. To the extent permitted by federal law, it is the intent of the general court to [~~replace the aid to families with dependent children program with~~] ***operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:***

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. [~~Such replacement establishes~~] The New Hampshire employment program and the family assistance program [~~as the cash~~] ***are the financial*** assistance programs upon which Medicaid and Food Stamps are automatically granted [~~in the same relationship as under the AFDC program~~].

III. [~~A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.~~] Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities ~~[on a voluntary basis]~~.

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), as amended by the Deficit Reduction Act (DRA), and federal regulations promulgated thereunder and further defined in rules adopted pursuant to RSA 541-A.

3 Definition of Job Search. RSA 167:78, XIII is repealed and reenacted to read as follows:

XIII. "Job search" means employment related activities that are outlined in the employment program.

4 Definition of On-the-Job Training. RSA 167:78, XVIII is repealed and reenacted to read as follows:

XVIII. "On-the-job training" means employment-related activities provided to a person, employed by a private or public employer, that provides knowledge or skills essential to the full and adequate performance of that job.

5 Definition of Specialized Services Replaced with Definition of Interim Activities. Amend 167:78, XXII is repealed and reenacted to read as follows:

XXII. "Interim activities" mean those activities intended to address individual or family barriers to employment or to enhance long-term success in the workplace.

6 Definitions of Suspension of Job Search and Work for Benefits Program Deleted. Amend RSA 167:78, XXIV - XXVI to read as follows:

~~XXIV. ["Suspension of job search" means the suspension of a job search by a participant for a predetermined period of time.~~

~~XXV.] "Temporary absence" means any assistance group member who is temporarily away from the home for, but not limited to, the following reasons: school attendance, vacation, illness, or work.~~

~~[XXVI. "Work for benefits program" means the activities connected with the second 26 weeks of the employment program.]~~

7 Employment Program Eligibility. RSA 167:79 is repealed and reenacted to read as follows:

167:79 Employment Program; Eligibility.

I. For purposes of this subdivision, a person shall be eligible for financial assistance under the employment program who is a needy child deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, and who lives with a parent or an able-bodied specified relative. If the child is living with both parents, one parent shall be able-bodied. The parent or parents of the dependent child or the able-bodied caretaker relative may also be eligible for assistance.

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, including cohabitating adults who share a minor child. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

III. The following requirements and conditions shall be necessary to establish eligibility for the entire assistance group:

(a) An applicant shall attend appointments necessary for entry into the employment program, including but not necessarily limited to the initial orientation interview.

(b) An applicant whose most recent case closure was the result of sanction for non-compliance in the employment program shall first participate fully in verifiable and approved employment-related activities for a period of 2 consecutive weeks.

(c) The parent or caretaker relative shall comply with the following with regard to any child for whom financial assistance is requested:

(1) Provide information and cooperate in all actions necessary to establish the child's paternity.

(2) Assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(3) In all other ways cooperate with efforts to obtain child or spousal support and identify and locate liable relatives, unless good cause exists.

(d) An applicant who voluntarily quits or refuses a job without good cause, as defined in RSA 167:82, III(c), while receiving financial assistance shall first participate fully in verifiable and approved employment-related activities for a period of 2 consecutive weeks.

(e) The assistance group's net income shall be less than the payment standard for the assistance group size.

(f) The assistance group's countable resources shall be less than the allowable resource limit established by the department pursuant to RSA 167:81, II.

(g) A written application, signed under a penalty of perjury, shall be completed by the person applying for assistance.

(h) A person shall provide such person's social security number, or apply for a social security number if the person does not have one.

(i) The identity of all applicants for assistance shall be verified.

(j) A parent or caretaker relative shall appear for an interview.

(k) Each person in the assistance group shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(l) No person in the assistance group shall be on strike, unless the person establishes to the satisfaction of the commissioner that:

(1) The unemployment results solely from a lockout; or

(2) That to attempt to or to cross the picket line would place the person in physical danger.

(m) An unwed minor parent shall reside with such person's parent, legal guardian, other adult relative, or in another adult supervised supported arrangement, unless:

(1) The minor parent resided separately from such person's parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's application for assistance;

(2) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized; or

(3) There is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from the minor parent's parent, legal guardian, or other adult relative; or outside of an adult supervised living arrangement.

(n) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Failure to meet the following requirements shall result in that person being ineligible for assistance:

(a) A person shall be a current resident of the state of New Hampshire.

(b) A person shall not be an inmate of a public or private institution.

(c) A person shall be a United States citizen, or shall meet the citizenship requirements established in PRWORA, as amended.

(d) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V.(a) The following persons are not eligible for assistance:

(1) A person who is not a United States citizen, shall meet the citizenship requirements established in PRWORA, as amended.

(2) A spouse of a caretaker relative.

(3) Other persons as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The treatment of needs, income, and resources of such persons in the determination of eligibility and the amount of the financial assistance payment to other persons in the assistance group shall be determined by the department by rules adopted in accordance with RSA 541-A.

VI. Failure to meet the following requirements shall result in the imposition of sanctions and the reduction of benefits or case closure for the assistance group:

(a) A parent or caretaker relative shall comply with all of the following for any child for whom financial assistance is requested:

(1) Provide information and cooperate in all action necessary to establish the child's paternity.

(2) Assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(3) In all other ways cooperate with efforts to obtain child or spousal support and identify and locate liable relatives, unless good cause exists. Good cause exists if the conditions defined in RSA 167:82, III(b) are met.

(b) A parent or caretaker relative shall not voluntarily quit a job or refuse a job unless there is good cause as defined in RSA 167:82, III(c).

(c) A parent or caretaker relative and case members shall attend and cooperate with all required appointments and activities for entry into and participation in the employment program.

(d) Applicants and participants of the employment program shall participate in the development of an employment contract pursuant to RSA 167:88, shall agree to the terms of the employment contract, and shall cooperate fully with the steps established in the employment contract.

(e) Any other requirements established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision

8 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility **and employment program participation** requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily [~~deferred~~] **exempt** from [~~the~~] participation [~~requirements~~ in RSA 167:85, 167:90, and 167:91] **in employment-related activities**:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) [~~One~~] A parent or caretaker relative [~~per assistance group~~] who is personally providing care for a child under [~~the deferral age established by the department by rules adopted pursuant to RSA 541-A~~] **one year of age, subject to a maximum exemption period for an individual of 12 months over their lifetime. A parent or caretaker relative who has exhausted the maximum allowable exemption and who subsequently gives birth to a child for whom financial assistance is requested, shall be permitted exemption immediately following the child's birth for a maximum period of 12 weeks.**

(d) A parent or caretaker relative who is 60 years of age or older.

(e) ~~[A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.]~~ **A pregnant woman who is deemed medically unable to participate, as certified by a licensed physician. The physician shall certify, on a form provided by the department, the duration and limitations of the disability.**

(f) ~~[A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.~~

(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

~~[(h)]~~ (g) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required. **The household shall meet participation and verification requirements in PRWORA, as amended by the DRA, and federal regulations promulgated thereunder.**

(h) Temporary exemptions shall remain in effect until the individual enters his or her 40th month of receipt of TANF financial assistance.

~~[(i)]~~ (i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

~~[(j)]~~ (j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced **and can lead to case closure subject to the sanction policy as established under RSA 167:79, VI, 167:82, III, and 167:82, IV and by rules adopted pursuant to RSA 541-A**, if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of **new** employment~~[-or enrollment of at least half-time in any recognized school, training program or institution of higher education,]~~ that requires the parent or caretaker relative to leave **current** employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member. ***The participant shall be allowed 7 days from the date of notification of non-compliance to present verifiable information supporting good cause.***

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(g) Fails to provide verification of their participation in required activities or other verification as established by PRWORA, as amended by DRA, and federal regulations promulgated thereunder.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. ~~[The department shall establish reduction rates, and the duration of the reduction for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV by rules adopted pursuant to RSA 541-A. The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children. No reduction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of~~

~~assistance and the specific actions which must be taken in order to reinstate full assistance. No reduction shall be imposed which disregards the needs of the children when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.]~~ ***The department shall establish a sanction policy for participants who are non-compliant with program requirements. The sanction policy shall establish the timing and occurrence of benefit reduction and termination of the TANF financial assistance case for non-compliance as provided in this paragraph. The following progression of sanctions shall apply:***

(a) The initial sanction shall consist of reduction of financial assistance benefits representing the needs of the individual who is out of compliance. The second level of sanction shall consist of reduction of 1/3 of the adjusted payment standard for the assistance group. The third level of the sanction shall consist of reduction of 2/3 of the adjusted payment standard for the assistance group. At the end of the third level of sanction the TANF financial assistance case shall close. Each sanction shall apply for a 2-week period and progressive sanctions shall apply unless and until the participant demonstrates full compliance.

(b) For non-compliance in the employment program or for voluntarily quitting a job as defined in RSA 167:82, III(c), full compliance is demonstrated by completion of verifiable participation in approved employment-related activities for 2 consecutive weeks.

(c) For non-compliance in paternity identification or assignment of support, full compliance is demonstrated by fully cooperating in all action necessary to identify and establish paternity or to identify, locate, assign and obtain support.

(d) For non-compliance by a non-deferred dependent child in participation requirements, the initial sanction shall consist of reduction of financial assistance in the amount established to meet the needs of the dependent child. The benefit reduction shall continue for the duration of the non-compliance.

(e) For all sanctions, the reduction period shall apply to the period immediately following the determination of non-compliance. A determination of non-compliance shall be made within 10 days of an act of non-compliance, barring a finding of good cause. The participant shall be allowed 2 weeks from the date of benefit reduction to demonstrate full compliance. No sanction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance.

(f) A participant, other than a non-deferred dependent child, who is in sanction status for a cumulative period of 3 months over a 12-month period shall have his or her TANF case closed.

(g) For a TANF financial assistance case that closes in sanction status, in the event of reapplication for financial assistance at a later time, the participant shall demonstrate full compliance before the TANF financial assistance case may be processed.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible ***pursuant to rules adopted under RSA 541-A.***

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

- (1) An applicant earned income disregard.
- (2) A participant earned income disregard.
- (3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.
- (4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.
- (5) [Repealed.]

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced **or closed** pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction **or closure** shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction **or closure** and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction **or closure** that has been imposed on any person applying for assistance from that municipality.

9 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not ~~[use participants]~~ **require individuals to participate in the employment program** in any way contrary to federal law under section 407(f) of the Social Security Act.

10 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the **type or** amount of benefits, ~~[or]~~ **the** level of eligibility ~~[to participants]~~, or changes in participation requirements.

11 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) **Operation of the employment program and employment-related activities as required by PRWORA, as amended by DRA, and federal regulations promulgated thereunder.**

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

12 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, **benefit amounts**, and of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

13 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:

(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity~~[-or the unemployment or underemployment]~~ of a parent; and

(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child **for the benefit of the child**. Financial assistance may be provided to the nonable-bodied caretaker relative **for the benefit of the child**.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), **RSA** 167:80 and **RSA** 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions, **including case closure**, under RSA 167:82, III(a), III(b), and III(f).

14 Employment Program Work Component; Employment-Related Activities. RSA 167:85 is repealed and reenacted to read as follows:

167:85 Employment Program Work Component; Employment-Related Activities. All applicants and participants in the employment program shall attend and participate in required appointments, employment contract development, and employment-related activities for eligibility into, and while participating in, the program unless temporarily exempt from participation as authorized by RSA 167:82, II. Noncompliance with employment-related activities without good cause shall be subject to financial assistance reductions and case closure pursuant to RSA 167:82, III and IV.

I. Participants shall attend and participate in employment-related activities within the parameters specified by PRWORA, as amended by DRA, and federal regulations promulgated thereunder. An individual is participating in work and work activities for a month in a fiscal year if the individual is participating in work activities for a minimum of 30 hours per week, except as noted in paragraph III, of which not fewer than 20 hours per week consist of participation in the following core activities and within the limitations specified:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) Work experience if sufficient private sector employment is not available.
- (e) On-the-job training.
- (f) Job search and job readiness assistance, limited to 4 consecutive weeks and 6 weeks total.
- (g) Community service programs.

(h) Vocational educational training which includes post-secondary education, within the following limitations:

(1) Participation shall not exceed 12 months.

(2) Not more than 30 percent of individuals may be determined to be engaged in such activity for the purposes of determining monthly participation rates.

(3) Within any other limitations established by PRWORA.

(4) An extension beyond the limitations outlined may be granted for a maximum of 3 months if deemed necessary in order to provide for successful transition to employment and approved by the department.

(i) The provision of child care services to an individual who is participating in a community service program.

II. Additionally, the individual may participate in the following secondary activities for 10 additional hours in order to combine with core activities and meet the 30-hour weekly minimum:

(a) Job skills training directly related to employment.

(b) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(c) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

III. A recipient who is married or is a single head of household and has not attained 20 years of age shall be required to maintain satisfactory attendance at secondary school or the equivalent during the month or participate in education directly related to employment for at least 20 hours per week pursuant to federal regulations.

IV. A single parent with a child under 6 years of age shall be deemed to be meeting work participation requirements if participating in core work activities for 20 hours per week.

V. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

VI. The commissioner shall waive requirements under this section if funding, resources, and support services are not available to administer this section.

15 Employment Assessment; Employment Contract. Amend RSA 167:88 to read as follows:

167:88 ~~[Initial]~~ Employment ~~[Appraisal and]~~ Assessment; Employment Contract.

I. The commissioner shall ~~[determine]~~ **assess** a participant's ability for employment based on:

(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests.

(b) Such person's child care, transportation, and other support service needs.

(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant to RSA 541-A.

II. The commissioner may make the [~~determination~~] **assessment** in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources, and services.

III. The commissioner shall develop an employment contract in conjunction with the participant. To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education. The employment contract shall:

(a) Indicate employment goals for achieving long-term economic independence, including goals for immediate employment in the labor market.

(b) Outline a planned series of action steps necessary to achieve employment goals.

(c) ***Include mandatory participation in interim activities as assessed by the employment program.***

(d) Describe the services to be provided by the employment program.

[~~(d)~~] (e) Identify the support service needs of the participant and indicate how those needs are being addressed.

IV. The commissioner shall make the final approval of the employment contract.

16 Interim Activities. RSA 167:91 is repealed and reenacted to read as follows:

167:91 Interim Activities. The following describes interim activities and associated participant requirements:

I. Each participant less than 20 years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

(c) Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may participate in activities [~~be offered services~~] intended to enhance basic literacy and work skills.

(d) A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

II. A participant shall be exempt from the requirements of paragraph I if:

(a) The participant is unable to successfully complete educational activities and is willing and able to participate in employment-related activities; or

(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.

III. An individual may participate in interim activities when the activity has been determined to be reasonable and necessary for his or her entrance into or success in the work force. Participation in an interim activity may not count as an approved activity under PRWORA, as amended by the DRA and federal regulations promulgated thereunder. Interim activities include:

(a) Mental health counseling services.

(b) Homelessness services.

(c) Substance abuse services.

(d) Domestic violence services.

(e) DCYF services.

(f) Vocational educational training beyond that countable as an employment-related activity under PRWORA, as amended by DRA.

(g) Post-secondary education and vocational educational training beyond that countable as an employment-related activity under PRWORA, as amended by DRA.

(h) English as a second language services.

(i) Job search and job readiness beyond that which is countable as employment-related under PRWORA, as amended by DRA.

IV. The department shall be the payor of last resort for all expenses involved in any training and postsecondary educational activity, and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.

V. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

17 Alternative Employment Experience Program Renamed Work Experience and Community Service Program. Amend RSA 167:91-a and 167:91-b to read as follows:

167:91-a Infringement on Rights of Other Employees Prohibited.

I. The ~~[alternative employment experience]~~ **work experience and community service** program shall not ~~[use participants]~~ **permit individuals in the employment program to participate** in any way contrary to federal law under section 407(f) of the Social Security Act.

II. No participant in the ~~[alternative employment experience]~~ **work experience and community service** program shall be required to work for more hours than would be needed to produce an equivalent compensation if the participant were paid at the federal minimum wage level, unless a greater number of hours is necessary for the participant to meet federal work participation requirements.

III. Participants in the ~~[alternative employment experience]~~ **work experience and community service** program shall receive the protections regarding sexual harassment and work conditions, not related to compensation and benefits, which are available to regular employees in that workplace such as safe environment, non-discrimination, and adequate rest and meal periods.

IV. Participants in the ~~[alternative employment experience]~~ **work experience and community service** program administered by the state shall be considered employees of both the state and the sponsor for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program. The state and the sponsor shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8. For purposes other than workers' compensation, the state shall not be vicariously liable for the actions or omissions of the sponsor and the sponsor shall not be vicariously liable for the actions or omissions of the state. Nothing in this section shall prohibit any direct contractual liability between the state and the sponsor.

167:91-b ~~[Alternative Employment Experience]~~ **Work Experience and Community Service** Program Participants; Workers' Compensation Eligibility.

I. For the purposes of RSA 281-A, an employment program participant is an employee of both the state and the sponsor. In the event that it is determined that the participant has been subject to an injury or occupational disease producing a disability arising out of and in the course of participation in the employment program, the program shall not provide compensation pursuant to RSA 281-A:28, 281-A:28-a, 281-A:31, and 281-A:31-a, but the participant shall receive benefits from the employment program while otherwise eligible, or compensation equivalent to those benefits if the participant becomes ineligible for benefits under RSA 167. When determining the amount of compensation provided pursuant to RSA 281-A:32 for a scheduled permanent impairment award, the amount of compensation shall be calculated by using the minimum wage at the time of injury multiplied by the average number of hours worked per week or the number of hours agreed to by the program and the participant, whichever is higher.

II. The department of health and human services may provide this benefit by appropriate means including purchasing and serving as the master policyholder for any insurance, by self-insurance or by administrative services contract. Except as otherwise provided in this section, all other provisions of RSA 281-A apply.

18 New Sections; Pilot Performance Measurement System, TANF Advisory Council, and TANF Pilot Diversion Program and Study Established. Amend RSA 167 by inserting after section 93 the following new sections:

167:93-a Pilot Performance Measurement System.

I. The department of health and human services shall establish a performance measurement system designed to assist the department in meeting the goals of the TANF reauthorization program, including, but not limited to, a mission statement identifying values that focus on qualitative outcomes. The pilot system shall be adopted on or before January 1, 2007. The system shall include: measurement and tracking of individual employee performance; tracking and analysis of programmatic outcomes; and tracking of other data or information otherwise useful in establishing success in moving clients into work participation, as defined by federal law. The department shall, for each indicator, develop performance and benchmark scores that reflect normal or expected performance. In developing these indicators, the department shall consult with the oversight committee on health and human services, established in RSA 126-A:13.

II. The department shall report annually. The report shall include data and comparison with prior years and shall indicate normal or expected performance levels. Each annual report shall be made to the speaker of the house of representatives, the president of the senate, the governor, and the appropriate legislative policy committees. The first such report shall be submitted by December 15, 2007.

167:93-b TANF Advisory Council Established.

I. An advisory council on Temporary Assistance To Needy Families (TANF), hereinafter called the TANF advisory council, is hereby established. The advisory council shall consist of the following members:

- (a) The commissioner of health and human services, or designee.
- (b) The commissioner of employment security, or designee.
- (c) The commissioner of the department of resources and economic development, or designee.
- (d) The director of the division of family assistance, department of health and human services.
- (e) A member of the senate, appointed by the senate president.
- (f) A member of the house of representatives, appointed by the speaker of the house of representatives.
- (g) A representative of a child advocacy organization, appointed by the governor.
- (h) A member of the City and Town Welfare Association, appointed by the governor.

(i) A resident of the state and of the lay public, having no official connection with TANF, appointed by the governor.

II. The advisory council shall meet twice annually. The terms of appointed members shall be for 5 years, except that the terms of members appointed under subparagraphs I(a)-(f) shall be coterminous with their terms of public office of employment. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when in performance of the duties required under this section.

167:93-c TANF Pilot Diversion Program and Study. The department of health and human services shall perform a pilot diversion program and study for a limited population of TANF applicants who receive assessment and benefits prior to entry into the TANF program. The study shall assess the feasibility, effectiveness and work participation rate impact of a diversion program. The department shall report its findings to the oversight committee on health and human services on December 31, 2006.

19 Financial Assistance Program for 2-Parent Need Families to be Established. By October 1, 2006, the department of health and human services shall establish a financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility, program requirements and administration shall be in accordance with RSA 167 and the rules adopted under this chapter.

20 Legislative Oversight. The oversight committee established by RSA 126-A:13 shall monitor changes to the state TANF program made pursuant to this act and shall provide informational meetings on such changes to the general court.

21 Job Search Program. Amend RSA 167:90, I to read as follows:

I. The commissioner shall provide appropriate employment services as funding and resources permit, including, but not limited to, job referrals, job development, workshops, counseling, labor market information,

vocational assessment and testing, and referral to appropriate community agencies and resources. ***The commissioner may operate structured job search activities, referred to as Job Club, in all employment program offices. Job Club shall be staffed by positions funded from the TANF reserve of 100 percent federal funds. These positions shall be in addition to the staffing of the employment program office.***

22 TANF Appropriation. The sum of \$500,000 is hereby appropriated, for the biennium ending June 30, 2007, to the department of health and human services for the purpose of supporting 2parent families in the Temporary Assistance to Needy Families (TANF) program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Effective Date. This act shall take effect October 1, 2006.

2006-2157s

AMENDED ANALYSIS

This bill revises state laws relative to the Temporary Assistance to Needy Families (TANF) program. The changes to state law are in response to the federal reauthorization of TANF in the Deficit Reduction Act of 2005, Public Law 109-171. The bill also makes an appropriation to the department of health and human services for the purpose of supporting 2-parent families in the state TANF program.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Green.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 8

Amendment adopted.

Senator Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

May 4, 2006

2006-2208s

05/09

Floor Amendment to HB 1331

Amend RSA 167:79, III(c) as inserted by section 7 of the bill by replacing it with the following:

(c) The parent or caretaker relative shall comply with the following with regard to any child for whom financial assistance is requested:

(1) Provide information and cooperate in all actions necessary to establish the child's paternity unless good cause exists.

(2) If the father is not identified, participate in an interview with a child support worker for the purpose of understanding the importance of child support and establishing paternity prior to any action to deny eligibility and cooperate with all action required to establish paternity and assign support.

(3) Assign to the department the rights to any child or spousal support payments made by a person outside the assistance group to benefit any family member within the assistance group.

(4) In all other ways cooperate with efforts to obtain child or spousal support and identify and locate liable relatives, unless good cause exists. Good cause exists if the conditions defined in RSA 167:82 III (b) are met.

Amend the bill by replacing section 21 with the following:

21 Job Search Program. Amend RSA 167:90, I to read as follows:

I. The commissioner shall provide appropriate employment services as funding and resources permit, including, but not limited to, job referrals, job development, workshops, counseling, labor market information, vocational assessment and testing, and referral to appropriate community agencies and resources. ***The com-***

missioner shall operate structured job search activities, referred to as Job Club, in all employment program offices. Job Club shall be staffed by positions funded from the TANF reserve of 100 percent federal funds. These positions shall be in addition to the staffing of the employment program office.

Floor 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, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

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

Yeas: 15 - Nays: 8

Adopted.

Ordered to third reading.

HB 1690, relative to renewable energy. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Morse for the committee.

Senate Finance

May 2, 2006

2006-2159s

10/04

Amendment to HB 1690

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

3 New Section; Electric Utility Restructuring; Wood-Fired Generation Project. Amend RSA 374-F by inserting after section 8 the following new section:

374-F:9 Wood-Fired Generation Project. By July 1, 2006 the commission shall open a docket to determine whether it is in the public interest to provide power of up to 60 megawatts to standard default service customers of one or more electric utilities and/or to a renewable default service option available to customers of one or more electric utilities, from generators that employ renewable wood-fired energy, and that are proximate to or benefiting the northern forests of the state. The commission shall issue a request for proposals (RFP) not later than August 1, 2006. The commission and its staff may consult with the department of resources and economic development in developing an RFP and in the analysis of responses, with regard to the possible economic benefits of proposals. The commission may employ an independent consultant with relevant expertise to assist in the preparation, issuance, or evaluation of an RFP. The commission shall make a determination as to which, if any, proposal is approved as being in the greatest public interest. In determining the public interest the commission shall seek a sound balance between the interests of default service retail customers and the economic, energy, and environmental interests of the region and the state, including costs, benefits, and risks, provided the ratepayer's participation shall not exceed 50 percent for both the cost and benefit of a proposal. Within 30 days after a final determination by the commission of which, if any, proposal is approved, the fiscal committee of the general court may act to disapprove and cancel the commission determination. If no such action is taken with notice filed at the commission within such 30 days, the commission is authorized to issue such orders as are necessary to support implementation of the approved proposal. Recovery of costs for the selected proposal, if applicable, shall be limited to standard default service customers or renewable default service customers, or through bilateral agreements with the state or other customers, and not through transmission and distribution rates or stranded cost charges, or from any customers once they cease to take default service, provided that the entities providing the foregoing services shall have the obligation to purchase the power under the selected proposal or proposals. Any agreement with the state to purchase such power directly or through renewable default service shall be subject to prior approval of the fiscal committee of the general court. Notwithstanding other provisions of law to the contrary, any electric utility may build, acquire, or contract for energy and capacity for such wood-fired generation assets described in this section, subject to participation in the RFP, approval by the commission, and the cost recovery limitations stated herein.

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

2006-2159s**AMENDED ANALYSIS**

This bill:

- I. Authorizes electric utilities to offer a renewable energy default service option.
- II. Authorizes the use of energy efficiency system benefits charge funds for renewable energy programs.
- III. Requires the public utilities commission to open a docket relating to power from generators employing wood-fired energy.

The question is on adoption of the committee amendment.**A roll call was requested by Senator Gallus.****Seconded by Senator Green.****The following Senators voted Yes: Johnson, Kenney, Boyce, Burling, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.****The following Senators voted No: Gallus, Green.****Yeas: 21 - Nays: 2****Amendment adopted.****The question is on the adoption of the bill as amended.****A roll call was requested by Senator Bragdon.****Seconded by Senator Barnes.****The following Senators voted Yes: Johnson, Boyce, Burling, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, Estabrook, Morse, Hassan, Fuller Clark.****The following Senators voted No: Gallus, Kenney, Green.****Yeas: 20 - Nays: 3****Adopted.****Ordered to third reading.****HB 1767-FN-A**, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 8-0. Senator Odell for the committee.**Senate Finance****April 26, 2006****2006-2079s****04/10****Amendment to HB 1767-FN-A**

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

1 Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 124, the commissioner of the department of transportation with the advice and consent of the executive council, shall purchase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased through the department of transportation in accordance with state law and at the pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property. The property owner also may elect to retain a life estate in any portion of the property.

2 Appropriation. The sum of \$2,800,000 for the biennium ending June 30, 2007, is hereby appropriated to the department of transportation for the purpose of purchasing property pursuant to section 1 of this act. Such moneys shall be nonlapsing and continually appropriated to the department of transportation for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 October 2005 Flood Relief; Grants, Gifts, or Donations. The commissioner of the department of transportation is authorized to accept and expend public sector and private sector grants, gifts, or donations of any kind for the purpose of purchasing property pursuant to section 1 of this act. Any moneys collected shall be nonlapsing and continually appropriated to the department of transportation for the purposes of section 1 of this act.

4 Commission Established. A commission is established to determine the appropriate public use of flood-damaged property purchased by the state.

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

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

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

(c) One member of the board of selectmen from each of the following towns, appointed by that town's board: Alstead, Langdon, and Walpole.

(d) One member appointed by the governor.

(e) The commissioner of the department of transportation, or designee.

II. Members of the commission shall serve without compensation, except that members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall determine the appropriate public use of flood-damaged property purchased by the state with general funds appropriated by this act, including the possibility of creating a state park or memorial park, or using the property for other recreational or conservation purposes.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2006.

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

2006-2079s

AMENDED ANALYSIS

This bill:

I. Authorizes the state acquisition of real estate severely damaged or destroyed in the October 2005 floods and makes a general fund appropriation therefor.

II. Authorizes the commissioner of the department of transportation to accept and expend public and private gifts, grants, or donations for the purpose of purchasing property that was damaged or destroyed in the October 2005 floods.

III. Establishes a commission to determine the appropriate use of the property.

Amendment adopted.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

Sen. Morse, Dist. 22

May 4, 2006

2006-2204s

05/04

Floor Amendment to HB 1767-FN-A

Amend the bill by replacing section 1 with the following:

1 Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 124, the commissioner of the department of transportation with the advice and consent of the executive council, shall pur-

chase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased through the department of transportation in accordance with state law and at the pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property.

Floor amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

May 4, 2006

2006-2192s

05/04

Floor Amendment to HB 1767-FN-A

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

1 Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 4:29, the governor, with the advice and consent of the council, shall purchase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased at its pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property. The property owner also may elect to retain a life estate in any portion of the property.

2 Appropriation; Bonds.

I. The sum not to exceed \$3,400,000, for the biennium ending June 30, 2007, is hereby appropriated to the office of the governor for the purpose of purchasing property pursuant to section 1 of this act.

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 \$3,400,000, 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. Payment of principal and interest on the bonds and notes shall be made from the general funds of the state.

3 Commission Established. A commission is established to determine the appropriate public use of flood-damaged property purchased by the state.

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

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

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

(c) One member of the board of selectmen from each of the following towns, appointed by that town's board: Alstead, Langdon, and Walpole.

(d) Two members appointed by the governor.

II. Members of the commission shall serve without compensation, except that members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall determine the appropriate public use of flood-damaged property purchased by the state with funds appropriated by this act, including the possibility of creating a state park or memorial park, or using the property for other recreational or conservation purposes.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2006.

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

2006-2192s**AMENDED ANALYSIS**

This bill authorizes the state acquisition of real estate destroyed in the October 2005 floods, establishes a commission to determine the appropriate use of the property, and makes a bonded appropriation to purchase the property.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Estabrook.

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

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

Yeas: 6 - Nays: 16

Amendment failed.

Senator Kenney was excused for this vote.

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

A roll call was requested by Senator Gottesman.

Seconded by Senator Foster.

The following Senators voted Yes: Gallus, Johnson, 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: 22 - Nays: 0

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Barnes moved to have HB 1334 removed from the table.

Adopted.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

The question is on the adoption of the committee amendment (#1480).

Amendment failed.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

April 27, 2006

2006-2086s

05/09

Floor Amendment to HB 1334

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

AN ACT establishing a committee to study certain issues related to banks, business, and insurance.

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

1 Committee Established. There is established a committee to study certain issues related to banks, business, and insurance.

2 Membership and Compensation.

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

(a) Two 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 following issues:

I. The effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

II. The possibility of expanding business tax credits to enhance research and development by extending the carry-forward provision for the business enterprise tax credit.

III. The effect of the costs of health insurance on public employment contracts.

IV. The cost and benefit of eliminating the requirements for group health insurance carriers and stop-loss writers to provide an option to covered employees and their dependents to purchase an individual health insurance policy, called a conversion policy.

V. Mandatory insurance coverage for the costs of early intervention services for children from birth to 36 months.

4 Chairperson. 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.

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.

2006-2086s

AMENDED ANALYSIS

This bill establishes a committee to study certain issues related to banks, business, and insurance.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bragdon moved to have HB 1214 removed from the table.

Adopted.

HB 1214, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

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

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

April 27, 2006

2006-2088s

04/09

Floor Amendment to HB 1214

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

AN ACT establishing a committee to study certain educational and social service issues.

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

1 Committee Established. There is established a committee to study certain educational and social service issues.

2 Membership and Compensation.

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

(a) Two 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:

I. Identify and assess all community-based, educational and social/human services programs that serve families with children 8 years old and younger. For each program, the study committee shall identify:

(a) The entity responsible for administering and funding the program, such as a mental health center, hospital, church, school, or state or local government agency, and an indication of whether the responsible entity is private or public, and its source of governance or statutory authority, if any.

(b) The program's stated mission and whether the program's focus is primarily education, prevention, intervention, or therapy.

(c) Funding sources, and an indication of whether the program is a for-profit program or a nonprofit program.

(d) Eligibility criteria for the program.

(e) The number of parent and child participants in the program.

(f) The program's location and service area.

(g) The program's methods of evaluation and accountability.

(h) Any additional data that the committee deems necessary.

II. Use the information identified in paragraph I to assess the degree to which existing programs are able to meet the needs of families with children 8 years old and younger and to increase awareness and understanding of existing programs.

III. For the purposes of paragraph I, solicit information and testimony from such organizations and individuals as may assist the committee in the performance of its duties, including but not limited to the following:

(a) The division for children, youth, and families, department of health and human services.

(b) The division of family assistance, department of health and human services.

(c) The division of public health services, department of health and human services.

(d) The department of education.

(e) Family Support NH.

(f) Early Learning NH.

(g) The New Hampshire Association for the Education of Young Children.

(h) Child and Family Services.

(i) Community Bridges.

(j) The New Hampshire Council of Churches.

(k) The university system of New Hampshire.

(l) The New Hampshire Children's Trust Fund.

IV. Study the critical shortage in speech language services as it relates to public schools in New Hampshire.

V. Study the criteria for certification as a speech language specialist in New Hampshire.

4 Chairperson. 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.

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.

2006-2088s

AMENDED ANALYSIS

This bill establishes a committee to:

I. Identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger; and

II. Study the shortage in speech language services and the criteria for certification as a speech language specialist.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bragdon moved to have HB 1146 removed from the table.

Adopted.

HB 1146, establishing a committee to study renewable portfolio standards.

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

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

May 2, 2006

2006-2114s

03/09

Floor Amendment to HB 1146

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

AN ACT establishing a commission to study certain energy and environmental issues.

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

1 Commission Established. There is established a commission to study certain energy and environmental issues.

2 Membership and Compensation.

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

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

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

(c) Three members appointed by the governor.

(d) Two representatives from the New Hampshire department of environmental services, appointed by the commissioner of environmental services.

(e) One representative appointed by the New Hampshire Municipal Association.

(f) Two academic representatives from the university of New Hampshire at Durham with expertise in wastewater treatment, appointed by the university.

(g) One representative from the office of energy and planning, appointed by the governor.

(h) Two representatives from publicly owned treatment facilities/works, appointed by the New Hampshire Water Pollution Control Association.

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

3 Duties. The commission shall:

I. Review the state's energy policies and make recommendations for appropriate changes necessary to accommodate the changing energy environment in New Hampshire.

II. Review the divestiture of PSNH generation assets, and the policies for supply.

III. Study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

IV. Evaluate the need for future additions to existing laboratory tests and equipment and make recommendations for laboratory test fees and distributions to the lab equipment and replacement fund.

V. Study:

(a) Renewable portfolio standards for electricity suppliers in effect in the United States.

(b) The potential effect of renewable portfolio standards in New Hampshire, including impact on consumers, economic development and job creation, and the environment.

(c) The renewable energy credits program, including any recommendations for the percentage retail suppliers shall possess, the rate of increase over time, and a cap for the price of credits.

(d) Policies ensuring renewable portfolio standards for New Hampshire would be competitively neutral.

(e) Cost reductions and program compliance through achievement of renewable energy goals.

(f) A reporting program for supplier compliance and enforcement and the state's role in the program.

(g) Penalties for noncompliance.

(h) Any other matters the commission deems relevant.

VI. Study the publicly-owned treatment plan needs of New Hampshire. The commission shall also:

(a) Review and study the current capabilities of the existing 85 publicly-owned treatment works operating in New Hampshire.

(b) Identify and summarize current and projected population and industrial growth patterns.

(c) Document effluent criteria identified by the United States Environmental Protection Agency and the New Hampshire department of environmental services.

(d) Identify existing and proposed effluent and toxic reduction technologies.

(e) Make findings regarding potential technological solutions to effluent requirements, using wastewater treatment industry representatives as available.

VII. Study:

(a) The federal, state, and local regulatory processes for the siting and construction of commercial wind energy facilities, including the applicability of the site evaluation committee certificate process under RSA 162-H, consistent with the findings and purposes set forth in RSA 162-H:1.

(b) The economic, environmental, and visual effects that such facilities would have.

(c) The effect such facilities would have on the provision of electricity to New Hampshire customers.

VIII. Study whether the state can properly operate secured landfills to be used primarily for the disposal of demolition debris and other items which cannot be recycled, reused, or otherwise found useful.

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

5 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 November 1, 2006.

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

2006-2114s

AMENDED ANALYSIS

This bill establishes a commission to study certain energy and environmental issues.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bragdon moved to have HB 1298 removed from the table.

Adopted.

HB 1298, establishing a study committee to evaluate disciplinary procedures of the board of medicine.

The question is on the committee amendment (#1592).

Amendment failed.

Senator Flanders offered a floor amendment.

Sen. Kenney, Dist. 3

May 2, 2006

2006-2112s

06/09

Floor Amendment to HB 1298

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

AN ACT establishing a commission to study certain professional, public welfare, and lottery commission issues.

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

1 Commission Established. There is established a commission to study certain professional, public welfare, and lottery commission issues.

2 Membership and Compensation.

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

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

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

(c) The executive director of the New Hampshire retirement system, or designee.

(d) One member of the New Hampshire retirement system board of trustees, selected by the chairman of the board of trustees.

(e) The administrator of the New Hampshire judicial retirement plan, or designee.

(f) One member of the New Hampshire judicial retirement plan board of trustees, selected by the chairman of the board of trustees.

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

3 Duties. The commission shall:

I. Evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine under RSA 329.

II. Study:

(a) The effects of rescinding the charter of the New Hampshire Bar Association, including contractual ramifications, distribution of assets, removal and reassignment of duties of officers, and any other effects deemed worthy by the committee.

(b) Matter related to subsequent incorporation of a voluntary bar association.

(c) The collection and deposit of fees paid by attorneys to be licensed to practice law, whether in the general fund or other state fund.

(d) The payment of attorney dues and supreme court fees by state and local governments.

III. Study the feasibility of using unoccupied state-owned buildings as transition homes for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center. The committee shall identify any suitable property currently owned by the state and shall assess the feasibility of converting such property to transition homes. The committee shall solicit testimony from agencies, organizations, and individuals with relevant information and expertise.

IV. Study issues related to the inclusion of service as a part-time district court judge in the calculation of the person's retirement benefits.

V. Study the lottery commission's authority to operate and advertise, as well as incentive caps and payout restrictions on prizes.

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

5 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 November 1, 2006.

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

2006-2112s

AMENDED ANALYSIS

This bill establishes a commission to study certain professional, public welfare, and lottery commission issues.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Hassan moved to have HB 1373 removed from the table.

Adopted.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

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

Senator Johnson offered a floor amendment.

Sen. Johnson, Dist. 2

April 27, 2006

2006-2087s

08/09

Floor Amendment to HB 1373

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

AN ACT establishing a commission to study certain environment and wildlife issues.

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

1 Commission Established. There is established a commission to study certain environment and wildlife issues.

2 Membership and Compensation.

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

(a) Two 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.

(c) Two representatives of the department of environmental services, appointed by the commissioner of the department of environmental services.

(d) Two members appointed by the New Hampshire Association of Septage Haulers.

(e) Two members of the hospitality industry, appointed by the New Hampshire Lodging and Restaurant Association.

(f) Two members of the wastewater treatment industry, appointed by the New Hampshire Water Pollution Control Association.

(g) Two members with expertise in biodiesel research from the university of New Hampshire, appointed by the university president.

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

3 Duties. The commission shall:

I. Study the need for the operation and maintenance of state-owned dams, the existing funding sources for the operation and maintenance of state-owned dams including the state's hydro-lease program, established under RSA 481:32, and the state dam maintenance fund, established under RSA 482.

II. Develop recommendations for the continued operation and maintenance of state-owned dams and options for funding the state dam maintenance fund.

III. Study ways to ensure the proper recycling and disposal of grease trap wastes.

IV. Study systems for managing grease trap wastes currently used in the United States and Canada.

V. Study the status of the in-state and regional markets available for handling grease trap wastes and methods for future development of in-state disposal capacity.

VI. Study the ability of the department of environmental services to assist municipalities in regard to rules, regulations, penalties, and best management practices for grease trap sizes, cleaning cycles, standards, and pumping.

VII. Study the establishment and enforcement of protection zones for nesting loons.

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

5 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 November 1, 2006.

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

2006-2087s

AMENDED ANALYSIS

This bill establishes a commission to study certain environment and wildlife issues.

Floor amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
May 4, 2006
2006-2200s
08/10

Floor Amendment to HB 1373

Amend section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Study the setback requirements for landfills located near rivers.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Martel moved to have HB 1121 removed from the table.

Adopted.

HB 1121, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

The question is on the adoption of the committee amendment (#1565).

Amendment failed.

Senator Martel offered a floor amendment.

Sen. Martel, Dist. 18
May 4, 2006
2006-2183s
05/04

Floor Amendment to HB 1121-LOCAL

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

AN ACT establishing a commission to study certain issues related to health and human services.

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

1 Commission Established. There is established a commission to study certain issues related to health and human services.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate, at least one of whom shall be a member of the committee on health and human services.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives, at least one of whom shall be a member of the committee on health, human services and elderly affairs.

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

(d) The attorney general, or designee.

(e) The governor, or designee.

(f) Any members identified in paragraphs II and III.

II. For purposes of section 3, paragraph IV, relative to health care costs, the commission shall include:

(a) The insurance commissioner, or designee.

(b) One member of the Endowment for Health, Inc., appointed by such organization.

(c) One member of the Business and Industry Association of New Hampshire, appointed by such association.

(d) A representative of the insurance industry, appointed by the governor.

(e) One member of the New Hampshire Hospital Association, appointed by such association.

(f) One member of the New Hampshire Medical Society, appointed by such society.

(g) One member of the New Hampshire Trial Lawyers Association, appointed by such association.

(h) Three members of chambers of commerce, one appointed by the speaker of the house of representatives, one appointed by the president of the senate, and one appointed by the governor, all appointed in a manner to provide diverse geographical representation.

(i) A representative of Dartmouth-Hitchcock Medical Center, appointed by the Center.

(j) The director of the New Hampshire Institute of Health Policy and Practice at the university of New Hampshire.

(k) One member of the Retail Merchants Association of New Hampshire, appointed by such association.

(l) A representative of the Professional Firefighters of New Hampshire, appointed by such association.

(m) A representative of the New Hampshire Health Care Association, appointed by such association.

III. For purposes of section 3, paragraph VI, relative to Medicaid reimbursement rates, the commission shall include:

(a) The director of the office of medicaid business and policy, department of health and human services.

(b) A representative of the Home Care Association of New Hampshire, appointed by that association.

(c) A representative of the New Hampshire Health Care Association, appointed by the association.

(d) A representative of the New Hampshire Hospital Association, appointed by the association.

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

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

3 Duties. The commission shall study:

I. The following issues relative to rulemaking and licensure of assisted living and residential care:

(a) Whether the definitions and description of residential care facilities and assisted living facilities under RSA 151:2, I(e) and elsewhere should be amended to add clarity and better reflect the current delivery of services of such care in New Hampshire.

(b) Whether the commissioner's rulemaking authority under RSA 151:9 should be amended to give the commissioner different or specific instruction regarding the licensure of such facilities relative to levels of license classification.

(c) Whether any additional changes can be made to RSA 151 or any other statute relative to assisted living and residential care that would make the law more effective in providing clarity to consumers and providers relative to such care and the regulation of such care.

II. Factors contributing to rising health care costs including:

(a) Cost shifting associated with federal and state reimbursements.

(b) Cost shifting associated with providing care for the uninsured.

(c) Costs associated with medical malpractice insurance rates.

(d) Regional issues that may affect costs of providing health care.

(e) Hospital new construction costs and overhead costs for the past 5 years.

(f) Hospital new services and overhead costs for the past 5 years.

(g) Other areas that may affect the cost of providing health care.

III. Whether there is a need to conduct a statewide review of each unanticipated fatality and incident of serious injury to incapacitated adults and individuals 60 years of age or older. The commission shall also recommend a methodology for conducting such review.

IV. State Medicaid reimbursement rates, including the methodology for calculating reimbursement rates and a comparison with reimbursement rates in other states. The commission shall also assess whether New Hampshire's reimbursement rates are too low and shall identify the consequences or risks associated with low reimbursement rates. The commission may also recommend changes to reimbursement amounts and to the rate-setting process based on its findings.

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

5 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 November 1, 2006.

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

2006-2183s

AMENDED ANALYSIS

This bill studies certain issues related to health and human services, including issues related to assisted living and residential care, health care costs, and Medicaid reimbursement rates.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Martel moved to have HB 385 removed from the table.

Adopted.

HB 385, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

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

Senator Martel offered a floor amendment.

Sen. Martel, Dist. 18

May 4, 2006

2006-2189s

05/01

Floor Amendment to HB 385

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

AN ACT establishing a commission to study certain issues related to health and human services.

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

1 Commission Established. There is established a commission to study certain issues related to health and human services.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate, at least one of whom shall be a member of the committee on health and human services.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives, at least one of whom shall be a member of the committee on health, human services and elderly affairs.

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

(d) The attorney general, or designee.

(e) The governor, or designee.

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

3 Duties. The commission shall study:

I. The adequacy of current substance abuse treatment available in the state prison system.

II. The feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products or otherwise controlling or restricting the sale of such products.

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

5 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 November 1, 2006.

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

2006-2189s

AMENDED ANALYSIS

This bill studies certain issues related to health and human services, including the adequacy of current substance abuse treatment available in the state prison system and the sale of pseudoephedrine base or ephedrine base products.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Foster moved to have HB 1332 removed from the table.

Adopted.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities.

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

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

May 2, 2006

2006-2115s

04/09

Floor Amendment to HB 1332

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

AN ACT establishing a commission to study certain judiciary-related issues.

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

1 Commission Established. There is established a commission to study certain judiciary-related issues.

2 Membership and Compensation.

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

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

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

(c) The commissioner of the department of corrections, or designee.

(d) A representative of the New Hampshire Association of Counties, appointed by that organization.

(e) A representative of the New Hampshire Medical Society, appointed by that organization.

(f) A representative of New Hampshire Legal Assistance, appointed by that organization.

(g) A representative of the Disabilities Rights Center, appointed by that organization.

(h) A representative of the New Hampshire chapter of the National Alliance for the Mentally Ill, appointed by that organization.

(i) A representative of the New Hampshire Psychiatric Society, appointed by that organization.

(j) Two public members, one of whom shall be a professional substance abuse counselor, appointed by the governor.

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

3 Duties. The commission shall study:

I. The adequacy of health care services in New Hampshire correctional facilities, including state prisons, county correctional facilities, and youth correctional facilities, and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such agencies, organizations, and individuals as may assist the commission in the performance of its duties.

II. Whether or not to restrict the department of health and human service's ability to recover the cost of medical assistance from life estates created before July 1, 2005 or created 5 years prior to the decedent's eligibility for such assistance.

III. Whether or not to authorize the department of health and human services to compel the sale of the primary residence of a surviving joint owner as part of the department's estate recovery practice.

IV. Whether or not to prohibit certain convicted felons from obtaining a license and hunting wild birds and wild animals.

V. Whether or not to require emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials, and whether an emergency care provider who has shown due diligence shall be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

VI. Whether the court should have discretion, in certain cases of domestic violence, to permit a victim's tenancy to continue.

VII. The weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

4 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission 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.

5 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 November 1, 2006.

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

2006-2115s

AMENDED ANALYSIS

This bill establishes a commission to study:

I. Health care in New Hampshire correctional facilities.

II. Whether or not to restrict the department of health and human service's ability to recover the cost of medical assistance from life estates created before July 1, 2005 or created 5 years prior to the decedent's eligibility for such assistance.

III. Whether or not to authorize the department of health and human services to compel the sale of the primary residence of a surviving joint owner as part of the department's estate recovery practice.

IV. Whether or not to prohibit certain convicted felons from obtaining a license and hunting wild birds and wild animals.

V. Whether or not to require emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials, and whether an emergency care provider who has shown due diligence shall be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

VI. Whether the court should have discretion, in certain cases of domestic violence, to permit a victim's tenancy to continue.

VII. The weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Letourneau moved to have HB 1512 removed from the table.

Adopted.

HB 1512, establishing a committee to study volunteer activity related to transportation.

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

Senator Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

May 2, 2006

2006-2113s

06/09

Floor Amendment to HB 1512

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

AN ACT: establishing a commission to study certain transportation issues.

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

1 Commission Established. There is established a commission to study certain transportation issues;

2 Membership and Compensation.

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

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of transportation, or designee.
- (d) The director of the office of homelessness, housing, and transportation issues, or designee.
- (e) The bureau chief of the bureau of adult and elderly services.
- (f) One member from the AARP, appointed by such organization.
- (g) Two public members appointed by the governor.
- (h) One member appointed by the New Hampshire Marine Trades Association.
- (i) The commissioner of environmental services, or designee.
- (j) The commissioner of resources and economic development, or designee.
- (k) The commissioner of safety, or designee.
- (l) The executive director of the fish and game department, or designee.
- (m) One member appointed by the public water access advisory board.
- (n) One member appointed by the New Hampshire Lakes Association.
- (o) The director of the New Hampshire Rivers Council, or designee.

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

3 Duties. The commission shall:

I.(a) Investigate issues surrounding the role of volunteers in a coordinated community transportation system, transportation liability, interstate transportation, and other areas as the commission deems appropriate.

(b) Consult with representatives from the New Hampshire Trial Lawyers Association, the New Hampshire insurance department, and the governor's task force on community transportation.

II. Study current rural transit, with respect to fund leveling, demographics, existing transportation services, and federal funds available to New Hampshire within the current federal highway bill that supports rural transit.

III. Study the issuance of dealer plates to bonded motor vehicle dealers.

IV. Study ways to utilize rest areas to better serve tourists and the motoring public.

V. Seek assistance from the liquor commission and the departments of transportation, resources and economic development, revenue administration, safety, and agriculture, markets, and food.

VI. Review, revise, update, and purge all New Hampshire statutes covering railroad operation, rights-of-way, property rights, and such other railroad statutes as the commission may find relevant.

VII. Determine how to optimize enforcement of safe boating laws on water bodies.

4 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this act.

5 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 November 1, 2006.

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

2006-2113s

AMENDED ANALYSIS

This bill establishes a commission to study certain transportation issues.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Barnes, having voted with the prevailing side, moved reconsideration of **HB 1690**, whereby it was adopted and ordered to third reading.

Adopted.

HB 1690, relative to renewable energy.

Senator Morse offered a floor amendment.

Sen. Kenney, Dist. 3

Sen. Morse, Dist. 22

May 4, 2006

2006-2210s

05/09

Floor Amendment to HB 1690

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

AN ACT relative to renewable energy and making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth.

Amend the bill by replacing all after section 3 with the following:

4 Purpose. The state of New Hampshire recognizes the importance of good oral health for all citizens. Many low to moderate income people on Medicaid and Medicare find it difficult to access dental care in the state of New Hampshire, especially emergency oral health care. Some of the federal programs for basic dental care in the public schools have had their funding reduced. The federal court case of *Hawkins v. Commissioner* filed in 1999 and settled in 2004 involved a 6-year-old girl denied oral health care as a Medicaid recipient. The settlement of the lawsuit cost the state a few million dollars and required the state department of health and human services to spend more time and money to assist low income families in finding dentists. The department makes annual progress reports to the New Hampshire attorney general's office on oral health status in the state which are available for review by the federal court. This act provides assistance to the towns of Carroll County which have no dental clinic center for treating Medicaid patients, uninsured persons, or participants in the Healthy Kids program, the nearest facility being in Exeter. The construction of the facility with the funds appropriated by this act are intended to alleviate the oral health crisis in this state.

5 Capital Appropriation to the Department of Health and Human Services for Dental Facility; Bonds Authorized.

I. For the purpose of state participation in building a dental facility as part of the TriCounty Community Action Program, there is hereby appropriated to the department of health and human services the sum of \$400,000, which shall be matched with \$780,000 of federal and local funds. Such funds shall be in addition to any other funds appropriated to the department of health and human services.

II. To provide funds for the state appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$400,000 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.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2006.

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

2006-2210s

AMENDED ANALYSIS

This bill:

I. Authorizes electric utilities to offer a renewable energy default service option.

II. Authorizes the use of energy efficiency system benefits charge funds for renewable energy programs.

III. Requires the public utilities commission to open a docket relating to power from generators employing wood-fired energy.

IV. Makes a bonded appropriation for the construction of a dental facility as part of the Tri-County Community Action Program.

The question is on the adoption of the floor amendment.

A division vote was requested.

Yeas: 12 – Nays: 9

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senators Estabrook and Kenney are excused from this vote.

MOTION TO REMOVE FROM THE TABLE

Senator Gallus moved to have HB 1751 removed from the table.

Motion failed.

RESOLUTION

Senator Larsen 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 76, relative to distribution of state aid to charter schools.

HB 298, relative to consolidating statutes relating to driving while intoxicated.

HB 385, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

HB 459, relative to access to criminal records and enhanced 911 system records.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

HB 529, relative to the determination of parental rights and responsibilities.

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

HB 592, relative to the child support guidelines.

HB 638-FN, relative to county and state financing of nursing home services.

HB 678-FN, relative to the insurance premium tax.

HB 1113, adding a definition of "public academy" to the definition of "high school".

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions.

HB 1121, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

HB 1146, establishing a committee to study renewable portfolio standards.

HB 1157, relative to the definition of a sending district.

HB 1191, making technical corrections to the chapter governing vital records.

HB 1201, relative to child passenger restraints.

HB 1204, relative to human immunodeficiency virus education, prevention and control.

HB 1206, relative to the assessing standards board.

HB 1214, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws.

HB 1273, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.

HB 1274, relative to certain disclosures to the department of health and human services.

HB 1285, making certain technical corrections to the adoption statute.

HB 1295, requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

HB 1298, establishing a study committee to evaluate disciplinary procedures of the board of medicine.

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

HB 1317, relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential.

HB 1351, relative to the rulemaking process.

HB 1357, relative to the legislative facilities committee.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

HB 1377, relative to certain mandatory minimum sentences.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives.

HB 1427, relative to guiding principles for developmentally disabled services.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings.

HB 1435, relative to the emergency plan for service animals.

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period.

HB 1444, relative to definitions under the real estate transfer tax.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits.

HB 1470, relative to overweight vehicle permit fees.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

HB 1480, amending the provisions relative to registration of criminal offenders.

HB 1508, relative to acceptance of applications by planning boards.

HB 1512, establishing a committee to study volunteer activity related to transportation.

HB 1516, relative to the modification and enforcement of child support orders.

HB 1521, relative to the membership of the juvenile parole board.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.

HB 1546, relative to patient information.

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

HB 1574, relative to membership on the public employees deferred compensation commission.

HB 1581, relative to drivers' licenses issued to persons under the age of 21.

HB 1582, prohibiting New Hampshire from participating in a national identification card system.

HB 1583, relative to grounds for modification of parental rights and responsibilities.

HB 1585, relative to enforcement of orders regarding parenting plans.

HB 1625, establishing penalties for guardians ad litem who fail to file reports which are required by the court.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.

HB 1690, relative to renewable energy.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.

HB 1758, classifying biodiesel as a renewable energy source.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.

ANNOUNCEMENTS

RESOLUTION

Senator Larsen 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.