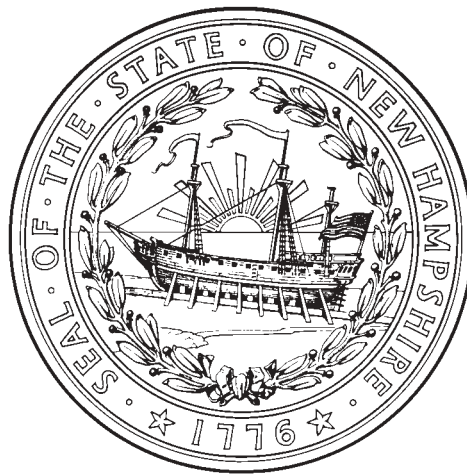


May 24, 2006
Nos. 15 - 16

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 11, 2006 SESSION
COMMENCEMENT – MAY 24, 2006 SESSION

SENATE JOURNAL 15 *(Cont.)*

May 11, 2006

HOUSE MESSAGE

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

HB 203-FN, establishing a commission on the use of radio frequency technology.

HB 385, establishing a commission to study certain issues related to health and human services.

HB 592, relative to minimum support orders.

HB 627-FN, relative to extended jurisdiction over certain 17 year old offenders.

HB 645-FN, relative to reduced cigarette ignition propensity.

HB 690-FN, relative to aid to the needy blind to undue hardship for public assistance, and to eligibility for and recovery of public assistance.

HB 1113, 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."

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions.

HB 1167-FN-A, relative to the department of transportation pilot program for effective investment of state highway mitigation funds and making an appropriation to the land and community heritage investment program.

HB 1192, relative to property and casualty insurance.

HB 1206, relative to the assessing standards board, and the approval of appraisal contracts.

HB 1214, establishing a committee to study certain educational and social service issues.

HB 1223-FN, relative to the use of real estate brokers by the department of transportation.

HB 1241-FN-L, extending the kindergarten construction aid program.

HB 1265, extending the final report date of the commission to study the relationship between public health and the environment.

HB 1274, relative to certain disclosures to the department of health and human services.

HB 1285, relative to adoption.

HB 1295, relative to notice brake shift interlock and key positions by automobile dealers to consumers.

HB 1305-L, authorizing municipalities to adopt regulations relative to businesses obtaining municipal permits.

HB 1335, relative to the authority of law enforcement officers during a state of emergency and prohibiting the taking of arms and ammunition in a declared state of emergency.

HB 1337, establishing the amusement ride safety advisory board.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives.

HB 1417-FN, establishing gold star number plates and relative to special number plates for veterans.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings.

HB 1427, relative to guiding principles for developmentally disabled services.

HB 1433, establishing a moratorium on the incineration of construction and demolition waste.

HB 1435, relative to the emergency plan for service animals and establishing a commission to study the evacuation and housing of animals during an emergency.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement and relative to the medical/vision advisory board.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF).

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund, making an appropriation therefor, and relative to a public health response to arbovirus.

HB 1470, relative to overweight vehicle permit fees.

HB 1567, relative to removing names from the checklist.

HB 1581, relative to drivers' licenses issued to persons under the age of 21.

HB 1583, relative to grounds for modification of parental rights and responsibilities.

HB 1585, relative to enforcement of orders regarding parenting plans.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing.

HB 1624-FN, relative to boat noise.

HB 1625, establishing penalties for guardians ad litem who fail to file reports.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements.

HB 1662-FN, establishing the crime of peonage.

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine.

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults, relative to certain background checks, and establishing a task force relative to central registries.

HB 1679-FN-L, relative to the property tax exemption for university system property.

HB 1696-FN, relative to the cremation of human remains.

HB 1711-FN, relative to the regulation of fuel gas fitters.

HB 1735-FN, relative to awarding the state employees' health insurance plan.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

HB 2006, relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of NH 101, a bridge crossing the Merrimack, and establishing a study committee.

HOUSE MESSAGE

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

HB 153-FN, relative to the collection of debts owed to the state.

HB 1121-L, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

HB 1204, relative to human immunodeficiency virus education, prevention, and control.

HB 1298, establishing a study committee to evaluate disciplinary procedures of the board of medicine.

HB 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility.

HB 1512, establishing a committee to study volunteer activity related to transportation.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund.

May 11, 2006
2006-2233-EBA
04/09

Enrolled Bill Amendment to SB 221

The Committee on Enrolled Bills to which was referred SB 221

AN ACT relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 221

This enrolled bill amendment renumbers an RSA section to avoid duplicate numbering with an RSA section inserted by 2006, 116 (HB 1155).

Enrolled Bill Amendment to SB 221

Amend section 3 of the bill by replacing lines 1-3 with the following:

3 New Section; Failure to Pay a Highway Toll. Amend RSA 236 by inserting after section 31-a the following new section:

236:31-b Failure to Pay a Highway Toll. Notwithstanding the provisions of RSA 236:31, any

Adopted.

May 15, 2006
2006-2248-EBA
04/01

Enrolled Bill Amendment to SB 269

The Committee on Enrolled Bills to which was referred SB 269

AN ACT ratifying certain actions at the 1996 Seabrook annual town meeting.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 269

This enrolled bill amendment corrects the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to SB 269

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

AN ACT ratifying all actions from the 1996 Seabrook annual town meeting, pertaining to the adoption of article 3, through September 12, 2006.

Adopted.

May 8, 2006
2006-2212-EBA
03/10

Enrolled Bill Amendment to SB 382

The Committee on Enrolled Bills to which was referred SB 382

AN ACT relative to the guardian ad litem board.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 382

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 382

Amend RSA 490-C:4, I(g) as inserted by section 3 of the bill by replacing line 6 with the following:
~~appropriate investigation and resolution by the appointing]~~ **to the appropriate court for**

Amend RSA 490-C:4, II(f) as inserted by section 3 of the bill by replacing line 3 with the following:
 investigations, ~~or~~ adjudicatory hearings, **or other proceedings** held by the board.

Amend RSA 490-C:5-b, II(d) as inserted by section 6 of the bill by replacing lines 1-4 with the following:

(d) The board, **its representatives, or its agents** may, **without a specific court order**, disclose to any [New Hampshire] court ~~[with the authority to appoint a guardian]~~ **that appoints or oversees guardians** ad litem, or **any other entity or group** which possesses oversight authority over **any type of** ~~[the]~~ professional ~~[activities]~~ **activity** of ~~[individuals]~~ **persons** who may

Amend RSA 490-C:5-b, IV(d) as inserted by section 6 of the bill by replacing line 2 with the following:

proceeding or any proceeding or other matter before the board, including but not limited to the

Amend RSA 490-C:5-b, VI(a)(4) as inserted by section 6 of the bill by replacing line 2 with the following:

proceeding or any proceeding or other matter before the board, including but not limited to the

Amend RSA 490-C:5-b, IX(a)(2) as inserted by section 6 of the bill by replacing lines 2-4 with the following:
matter for the reasons set forth in subparagraphs IV(c) through (e), unless prior permission to make such disclosure has been obtained from the board or the disclosure is allowed under paragraph II, other provisions of this chapter, or other law.

Adopted.

May 11, 2006
2006-2234-EBA
05/09

Enrolled Bill Amendment to SB 405

The Committee on Enrolled Bills to which was referred SB 405

AN ACT relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 405

This enrolled bill amendment rennumbers a session law section to avoid duplicating the numbering inserted by 2006, 115 (SB 404).

Enrolled Bill Amendment to SB 405

Amend section 1 of the bill by replacing lines 2-4 with the following:

Tax Sheltered Funds for Allowable Service Purchases. Amend 1973, 218, as amended by 2002, 194 and 2006, 115, by inserting after section 30 the following new section:

218:31 Acceptance of Certain Tax Sheltered Funds.

Adopted.

May 11, 2006
2006-2215-EBA
04/09

Enrolled Bill Amendment to CACR 41

The Committee on Enrolled Bills to which was referred CACR 41

RELATING TO: representative districts.

PROVIDING THAT: representative districts shall be apportioned according to specified standards.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to CACR 41

This enrolled bill amendment corrects the word "flotarial" to read "floterial."

Enrolled Bill Amendment to CACR 41

Amend paragraph I of the resolution by replacing line 7 with the following:

non-floterial representative district. When any town, ward, or unincorporated place has fewer than

Amend paragraph I of the resolution by replacing line 13 with the following:

number of inhabitants of other districts to form at-large or floterial districts conforming to

Amend paragraph IV of the resolution by replacing line 8 with the following:

non-floterial representative district. When any town, ward, or unincorporated place has fewer than

Amend paragraph IV of the resolution by replacing line 14 with the following:

number of inhabitants of other districts to form at-large or floterial districts conforming to

Adopted.

May 12, 2006

2006-2241-EBA

03/10

Enrolled Bill Amendment to HB 716-FN

The Committee on Enrolled Bills to which was referred HB 716-FN

AN ACT relative to securities regulation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 716-FN

This enrolled bill amendment deletes a provision previously enacted in 2005, 224, combines 2 bill sections amending the same RSA provision, and makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 716-FN

Amend RSA 421-B:2, XIII-a as inserted by section 1 of the bill by replacing line 2 with the following:

partnership, limited liability company, association, joint stock company, trust where the interests

Amend section 7 of the bill by replacing lines 1-10 with the following:

7 Licensing. Amend RSA 421-B:6, V(c) to read as follows:

(c) Each **broker-dealer** branch office within this state shall be supervised by ~~an on-~~

Amend RSA 421-B:7, VIII(b) as inserted by section 10 of the bill by replacing line 1 with the following:

(b) Each applicant for a license under this paragraph shall make application on the

Amend RSA 421-B:17, II(a)(3)(A) as inserted by section 15 of the bill by replacing lines 1-5 with the following:

(A) "General solicitation" and "general advertisement" includes, but is not limited to any advertisement, article, notice, or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio, and any seminar or meeting whose attendees have been invited by any general solicitation or general advertising. General solicitation and general advertisement shall not include communications and disclosure material specifically directed to

Amend RSA 421-B:17, II(r)(1)(D) as inserted by section 17 of the bill by replacing line 3 with the following:

disclosure requirements of 17 C.F.R. section 230.502(b), the secretary of state shall require

Amend RSA 421-B:31, IV(a) as inserted by section 23 of the bill by replacing line 3 with the following:

~~[or (h)]~~, (3) a notice filing under section 18(b)(4)(D) of the Securities Act of 1933, or (4) a notice filing

Amend the bill by deleting section 29 and renumbering the original sections 30-31 to read as 29-30, respectively.

Adopted.

May 17, 2006
2006-2297-EBA
08/09

Enrolled Bill Amendment to HB 1458-FN

The Committee on Enrolled Bills to which was referred HB 1458-FN

AN ACT relative to the regulation of landscape architects.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1458-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1458-FN

Amend RSA 310-A:142, IV as inserted by section 3 of the bill by replacing line 3 with the following:
incurred in carrying out the provisions of this subdivision.

Amend RSA 310-A:144, VI as inserted by section 3 of the bill by replacing line 1 with the following:

VI. Replacement of a lost or mutilated license.

Amend RSA 310-A:154, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth in

Amend RSA 310-A:156, VII as inserted by section 3 of the bill by replacing lines 2-3 with the following:
connection with any disciplinary proceeding, including investigations, stenographers, and attorneys' fees, as a condition of probation or reinstatement.

Amend RSA 310-A:160, II as inserted by section 3 of the bill by replacing lines 2-3 with the following:
construction or alteration of landscape design associated with farms, residences, or institutional or commercial uses, where the client or reviewing governmental entity does not require the stamp of a

Adopted.

May 9, 2006
2006-2219-EBA
08/09

Enrolled Bill Amendment to HB 1477

The Committee on Enrolled Bills to which was referred HB 1477

AN ACT implementing the federal Law Enforcement Officers Safety Act of 2004.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1477

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1477

Amend RSA 188-F:26, XVII as inserted by section 1 of the bill by replacing line 2 with the following:
Officers Safety Act of 2004, 18 U.S.C. section 926C(d)(2)(B) in accordance with RSA 541-A.

Amend RSA 188-F:32-d as inserted by section 2 of the bill by replacing line 4 with the following:
meeting the standards established in Pol 404.03 to qualify under the provisions of 18 U.S.C.

Amend RSA 188-F:32-d as inserted by section 2 of the bill by replacing line 7 with the following:
not qualified under 18 U.S.C. section 926C(d)(2)(B) to have received such certification.

Adopted.

May 12, 2006
2006-2235-EBA
04/09

Enrolled Bill Amendment to HB 1526

The Committee on Enrolled Bills to which was referred HB 1526

AN ACT relative to the composition of the medical review subcommittee of the medical review board.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1526

This enrolled bill amendment nullifies section 3 of 2006, 61 (HB 1517-FN) and inserts a new section to incorporate changes made to RSA 329:17, V-a by this bill and by section 3 of HB 1517-FN.

Enrolled Bill Amendment to HB 1526

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

2 Medical Review Subcommittee; Public Members. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of [7] **9** members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and [6] **8** other persons, [~~no more than~~] **3 of whom shall be public members and** 5 of whom shall be physicians. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. ***The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year.*** The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

3 Nullification. Section 3 of 2006, 61 (HB 1517-FN) shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect June 23, 2006.

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

Adopted.

May 9, 2006
2006-2216-EBA
06/10

Enrolled Bill Amendment to HB 1546

The Committee on Enrolled Bills to which was referred HB 1546

AN ACT relative to patient information.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1546

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1546

Amend RSA 332-I:2, I(d) as inserted by section 2 of the bill by replacing line 3 with the following:
recommended medical treatment and be involved in experimental research upon the patient's

Adopted.

May 9, 2006
2006-2220-EBA
08/01

Enrolled Bill Amendment to HB 1660-FN

The Committee on Enrolled Bills to which was referred HB 1660-FN

AN ACT regulating identity theft.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEEExplanation to Enrolled Bill Amendment to HB 1660-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1660-FN

Amend RSA 359-C:20, III (d) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

(d) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$5,000, that the affected class of subject individuals to be notified exceeds 1,000, or the person

Adopted.

May 10, 2006
2006-2223-EBA
04/09

Enrolled Bill Amendment to HB 1687

The Committee on Enrolled Bills to which was referred HB 1687

AN ACT extending certain studies and adding a certain duty relative to pharmacy reimbursement.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEEExplanation to Enrolled Bill Amendment to HB 1687

This enrolled bill amendment corrects a date reference in the bill and inserts a contingency section renumbering a paragraph if 2006, HB 1763 becomes law.

Enrolled Bill Amendment to HB 1687

Amend section 2 of the bill by replacing line 4 with the following:

until November 1, [2005] **2006**, and its members shall continue to serve until November 1, [2005] **2006**.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Contingent Renumbering. If HB 1763 of the 2006 legislative session becomes law, then paragraph III of 2005, 73:3 as inserted by section 6 of this bill shall be renumbered as paragraph VII.

Adopted.

May 11, 2006
2006-2221-EBA
03/01

Enrolled Bill Amendment to HB 1763

The Committee on Enrolled Bills to which was referred HB 1763

AN ACT extending a committee and adding certain duties relative to pharmacy reimbursement.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1763

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1763

Amend section 1 of the bill by replacing lines 3-7 with the following:

III. Examining rate changes in the price of drugs which are usually changed on a daily basis.

IV. Examining the electronic payment of pharmacy reimbursements for quicker turnaround on payments to pharmacies.

V. Examining the most favored nation issue.

VI. Examining a method to reimburse pharmacies for the copayments that Medicaid clients do

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 221, relative to eligibility for absentee ballots.

HB 459, relative to access to criminal records and enhanced 911 system records.

HB 718-FN, relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor.

HB 1157, relative to the definition of a sending district.

HB 1182-FN, relative to the limited commercial lobster license fees.

HB 1191, making technical corrections to the chapter governing vital records.

HB 1201, relative to child passenger restraints.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws.

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 1351, relative to the rulemaking process.

HB 1357, relative to the legislative facilities committee.

HB 1377, relative to certain mandatory minimum sentences.

HB 1419-FN, relative to mediation in divorce proceedings.

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period.

HB 1444-FN, relative to definitions under the real estate transfer tax.

HB 1480, amending the provisions relative to registration of criminal offenders.

HB 1521, relative to the membership of the juvenile parole 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 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 1681-FN, establishing the unused prescription drug program.

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett.

HB 1727-FN-L, relative to transfer or discharge of patients or residents in licensed facilities.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers.

SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

SB 225-FN-A, relative to horse and dog racing.

SB 308-FN-A-L, making an appropriation for school building aid.

SB 387, relative to energy efficiency loans and guarantees by the business finance authority.

SB 400-FN, relative to highway welcome signs.

Senator D'Allesandro moved adoption.

Adopted.

CONFEREE CHANGES

SB 403, relative to verification of identity when a person registers or attempts to vote.

CONFEREE CHANGE: SENATOR HASSAN REPLACED SENATOR BURLING.

CONFEREE CHANGE: SENATOR GATSAS REPLACED SENATOR HASSAN.

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

CONFEREE CHANGE: SENATOR GATSAS REPLACED SENATOR HASSAN.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

CONFEREE CHANGE: SENATOR CLEGG REPLACED SENATOR FULLER CLARK.

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 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.

HB 203-FN, establishing a commission on the use of radio frequency technology.

HB 380, relative to absentee voting.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders.

HB 657-FN-L, relative to promoting community revitalization.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code and relative to lobbyist name tags.

HB 1214, establishing a committee to study certain educational and social service issues.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.

HB 1433, establishing a moratorium on the incineration of construction and demolition waste.

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.

HB 1455-FN-A, relative to the disposal of video display devices.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system.

HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

HB 1715-FN, relative to funding of the professional assistance program for dentists.

HB 1722-FN, relative to the New Hampshire council on developmental disabilities.

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

SB 233, relative to motorcycle rider education.

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

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

SB 289-FN, relative to the brain and spinal cord advisory council.

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

SB 389, establishing a committee to study programs funded by the system benefits charge.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 16

May 24, 2006

The Senate met at 10:00 a.m.

A quorum was present.

The Father Andrew H. Mahalares, from Saint George Greek Orthodox Cathedral in Manchester, guest chaplain to the Senate, offered the prayer.

Let us pray. O good and gracious God, we thank You for this opportunity to assemble for discussion of Your people and their work. We humbly ask O Lord, that You grant to us the wisdom to make decisions for the people that we represent but also for the good of the state of New Hampshire. We ask that Your wisdom be with us always, that all we say, think, and do be for the better good and that we keep our personal preferences in the back of our mind as we do all good things, granting us the wisdom to always think of those we serve, and the greater good of the state of New Hampshire, and also to keep us in Your care. We pray for the fruits of the Earth. We pray for peaceful seasons. We ask O Lord that as You grant to us rain for the crops, that You keep us also in Your care as we have an abundance. We ask this in the name of our gracious and benevolent Lord.

Amen

Senator Martel led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE OF CONFERENCE REPORTS

May 16, 2006

2006-2271-CofC

01/09

Committee of Conference Report on HB 37-FN, an act relative to health insurance coverage for full-time students on medical leaves of absence.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 415:5, I(3-a)(b) as inserted by section 2 of the bill by replacing it with the following:

(b) If the coverage for dependent children under subparagraph (3) includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this subparagraph. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this subparagraph. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this subparagraph commences; and

Amend RSA 415:18, V(b) as inserted by section 3 of the bill by replacing it with the following:

(b) If the coverage for dependent children under subparagraph (3) includes coverage for dependent children who are full-time students, as defined by the appropriate educational institution, beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. Any breaks in the school semester shall not disqualify the dependent child from coverage under this subparagraph. Documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician and shall be considered prima facie evidence of entitlement to coverage under this subparagraph. The date of the documentation and certification of the medical necessity of a leave of absence shall be the date the insurance coverage under this subparagraph commences; and

Amend the bill by replacing section 4 with the following:

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

The signatures below attest to the authenticity of this Report on HB 37-FN, an act relative to health insurance coverage for full-time students on medical leaves of absence.

Conferees on the Part of the Senate
Sen. Flanders, Dist. 7
Sen. Barnes, Dist. 17
Sen. Gottesman, Dist. 12

Conferees on the Part of the House
Rep. Francoeur, Rock. 15
Rep. Infantine, Hills. 13
Rep. Charles Clark, Belk. 5
Rep. DeJoie, Merr. 11

Adopted.

May 19, 2006
2006-2359-CofC
04/10

Committee of Conference Report on HB 76, an act relative to distribution of state aid to charter schools.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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 **pursuant to RSA 194-B:3-a**, ~~[the pupil's resident district shall pay tuition beginning July 1, 2005 and every fiscal year thereafter.]~~ **the state shall pay tuition 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]~~ **July 1, 2006, \$3,598** 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) **The commissioner of the department of education shall calculate and distribute charter school tuition payments as set forth herein. The first payment shall be 30 percent of the per pupil amount multiplied by the number of eligible pupils present on the first day of the current school year. Such payment shall be made no later than 15 days after the department of education receives the attendance report. The December 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on November 1, and the March 1 payment shall be 30 percent of the per pupil amount multiplied by the membership on February 1. To calculate the final payment, the commissioner of the department of education shall multiply the per pupil amount by the average daily membership in attendance for the full school year, and subtract the total amount of the first 3 payments made. The remaining balance shall be the final payment. Eligible charter schools shall report membership in accordance with RSA 189:1-d. In this subparagraph, "membership" shall be as defined in RSA 189:1-d, II.** 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 moneys from the education trust fund established in RSA 198:39.

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

5 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 education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund.

6 Charter Schools; Seed Grants; Use of Federal Funds.

I. (a) A charter school approved pursuant to RSA 194-B:3-a, and which receives no funds from the school district in which the charter school is located, shall, upon application to the commissioner of the department of education (commissioner), receive a one-time grant of up to \$100,000 to be used only for seed costs related to the initial opening of the charter school including 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.

(b) 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. A total of \$400,000 in state moneys shall be available for distribution as grants. This amount shall be used exclusively as provided in this section and shall not be transferred or diverted to any other purpose.

(c) In the event the amount available under this section is insufficient to disburse at least \$100,000 to each charter school entitled to a grant, such amount shall be prorated among the charter schools entitled to receive a grant.

II. The commissioner shall apply for any federal funds available to charter schools pursuant to the No Child Left Behind Act, or any other federal funding source, and shall first expend any such funds received to ensure that a charter school entitled to a grant under this section receives a grant of at least \$100,000.

7 New Paragraph; Charter and Open Enrollment Schools; Federal Funding. Amend RSA 194-B:11 by inserting after paragraph IV the following new paragraph:

IV-a. The commissioner of the department of education shall apply for all federal funding available to charter schools under the No Child Left Behind Act, Title I of the Elementary and Secondary Education Act, or other federal source of funds. The commissioner shall expend any such funds received in a manner acceptable to the funding source.

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 Seed 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 Effective Date.

I. Sections 8-9 of this act shall take effect on July 1, 2006.

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

The signatures below attest to the authenticity of this Report on HB 76, an act relative to distribution of state aid to charter schools.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Johnson, Dist. 2
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Balboni, Hills. 21
Rep. Claire Clarke, Merr. 6
Rep. Hughes, Rock. 18
Rep. Rous, Straf. 7

2006-2359-CofC

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

III. Provides seed grants from the education trust fund for charter schools on a first-come, first-served basis, and amends the state operating budget for the 2007 fiscal year to provide funds for such grants.

IV. Requires the commissioner of the department of education to apply for all federal funding available to charter schools under the No Child Left Behind Act, Title I of the Elementary and Secondary Education Act, or other federal source of funds, and to use such funds to supplement state grants to charter schools, in addition to other uses.

Adopted.

May 16, 2006

2006-2277-CofC

03/09

Committee of Conference Report on HB 349, an act relative to placement and removal of political advertising.
Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Placement and Removal of Political Advertising. Amend RSA 664:17 to read as follows:

664:17 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. ~~[The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a state primary.]~~ All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. ***Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes.*** No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to ***public property*** or any private property except the owner of the property, ***persons authorized by the owner of the property***, or a law enforcement officer removing improper advertising; ~~provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself].~~ ***Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept for one week at a place designated by the state, city, or town so that the candidate may retrieve the items.***

The signatures below attest to the authenticity of this Report on HB 349, an act relative to placement and removal of political advertising.

Conferees on the Part of the Senate
Sen. Roberge, Dist. 9
Sen. Flanders, Dist. 7
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. O'Brien, Hills. 4
Rep. J. Allen, Belk. 5
Rep. Millham, Belk. 5
Rep. Harvey, Hills. 21

Adopted.

May 19, 2006

2006-2348-CofC

08/09

Committee of Conference Report on HB 506, an act including employees of charitable organizations under the protection of the state law against discrimination.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commission for Human Rights; Definition Change. RSA 354-A:2, VII is repealed and reenacted to read as follows:

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 or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, 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.

The signatures below attest to the authenticity of this Report on HB 506, an act including employees of charitable organizations under the protection of the state law against discrimination.

Conferees on the Part of the Senate
Sen. Bragdon, Dist. 11
Sen. Flanders, Dist. 7
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Infantine, Hills. 13
Rep. Balboni, Hills. 21
Rep. Gorman, Hills. 23
Rep. Carson, Rock. 3

Adopted.

May 16, 2006
2006-2262-CofC
05/10

Committee of Conference Report on HB 582, an act relative to the policy for records management.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 Archives and Records Management; Procedures Manual. Amend RSA 5:40 to read as follows:

5:40 [Rules] **Procedures Manual.** The director, under the supervision of the secretary of state, shall establish a manual of uniform [rules] **procedures** necessary and proper to effectuate the purpose of this subdivision. Such [rules] **procedures** and any subsequent revisions, when approved by the governor and council, shall be binding upon all officers and employees of the state. [~~Any rules adopted pursuant to this section shall be adopted in accordance with RSA 541-A.~~]

The signatures below attest to the authenticity of this Report on HB 582, an act relative to the policy for records management.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Odell, Dist. 8
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Pilotte, Hills. 16
Rep. Fitzgerald, Belk. 4
Rep. Millham, Belk. 5
Rep. Irwin, Hills. 3

Adopted.

May 17, 2006
2006-2308-CofC
05/04

Committee of Conference Report on HB 587, an act relative to child abuse and neglect investigations by the department of health and human services.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

2 Filing Reports, Evaluations, and Other Records. Amend RSA 169-C:12-b to read as follows:

169-C:12-b Filing Reports, Evaluations, and Other Records. All reports, evaluations, and other records from the department of health and human services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 **business** days prior to any hearing. ***If a report, evaluation, or other record is not filed at least 5 business days prior to the hearing, a party may request, and the court shall grant, a continuance to a date certain which shall not be more than 10 days from the date of filing.*** Once filed with the court and given to all other parties, the report, evaluation, or other record need not be refiled during the proceeding. Failure to comply with the provisions of this section shall not be grounds for dismissal of the petition.

3 New Sections; Medical Examinations of Child; Department Interviews With Child. Amend RSA 169-C by inserting after section 12-b the following new sections:

169-C:12-c Medical Examinations of Child. A parent who is the subject of an abuse or neglect petition not involving sexual abuse shall be entitled to request a medical examination of each child involved by a licensed physician of the parent's choice at the parent's expense within 72 hours of the first official notice of the complaint received by the parent. Where the department has assumed protective supervision or legal custody of the child and an examination of the child is necessary to verify or refute an allegation of injury, the department shall cooperate with the request and shall transport the child to the physician's office for examination provided that the physician's office is within a reasonable distance of the district office that is conducting the abuse or neglect investigation. The transportation of a child to a physician's office that is located within the state of New Hampshire shall be presumed to be reasonable under this section.

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

The signatures below attest to the authenticity of this Report on HB 587, an act relative to child abuse and neglect investigations by the department of health and human services.

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Odell, Dist. 8
Sen. Gottesman, Dist. 12

Conferees on the Part of the House
Rep. Itse, Rock. 9
Rep. Souza, Hills. 11
Rep. Ginsburg, Hills. 20
Rep. Walz, Merr. 13

2006-2308-CofC

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to inform parents of a child suspected of being a victim of abuse and neglect of the nature of the charges and that they are not required to admit state employees to their property and are not required to allow them to interview their child without a court order to that effect.

II. Changes the filing deadlines for certain reports and records to 5 business days prior to a child abuse or neglect hearing.

III. Establishes certain requirements for medical examinations of children who are alleged to have been abused or neglected.

Adopted.

May 19, 2006

2006-2369-CofC

01/09

Committee of Conference Report on HB 656-FN, an act relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Written Directives for Medical Decision Making for Adults Without Capacity to Make Health Care Decisions for Themselves. RSA 137-J is repealed and reenacted to read as follows:

CHAPTER 137-J
WRITTEN DIRECTIVES FOR MEDICAL DECISION MAKING FOR ADULTS
WITHOUT CAPACITY TO MAKE HEALTH CARE DECISIONS

137-J:1 Purpose and Policy.

I. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care. In order that the rights of persons may be respected even after such persons lack the capacity to make health care decisions for themselves, and to encourage communication between patients and their attending physicians or ARNPs, the general court declares that the laws of this state shall recognize the right of a competent person to make a written directive:

(a) Delegating to an agent the authority to make health care decisions on the person's behalf, in the event such person is unable to make those decisions for himself or herself, either due to permanent or temporary lack of capacity to make health care decisions;

(b) Instructing his or her attending physician or ARNP to provide, withhold, or withdraw life-sustaining treatment, in the event such person is near death or is permanently unconscious.

II. All persons have a right to make health care decisions, including the right to refuse cardiopulmonary resuscitation. It is the purpose of the "Do Not Resuscitate" provisions of this chapter to ensure that the right of a person to self-determination relating to cardiopulmonary resuscitation is protected, and to give direction to emergency services personnel and other health care providers in regard to the performance of cardiopulmonary resuscitation.

137-J:2 Definitions. In this chapter:

I. "Advance directive" means a directive allowing a person to give directions about future medical care or to designate another person to make medical decisions if he or she should lose the capacity to make health care decisions. The term "advance directives" shall include living wills and durable powers of attorney for health care.

II. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse who is licensed in good standing in the state of New Hampshire as having specialized clinical qualifications as provided in RSA 326-B:10.

III. "Agent" means an adult to whom authority to make health care decisions is delegated under an advance directive.

IV. "Attending physician or ARNP" means the physician or advanced registered nurse practitioner, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. If more than one physician or advanced registered nurse practitioner shares that responsibility, any one of those physicians or advanced registered nurse practitioners may act as the attending physician or ARNP under the provisions of this chapter.

V. "Capacity to make health care decisions" means the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care.

VI. "Cardiopulmonary resuscitation" means those measures used to restore or support cardiac or respiratory function in the event of a cardiac or respiratory arrest.

VII. "Do not resuscitate identification" means a standardized identification necklace, bracelet, card, or written medical order that signifies that a "Do Not Resuscitate Order" has been issued for the principal.

VIII. "Do not resuscitate order" or "DNR order" (also known as "Do not attempt resuscitation order" or "DNAR order") means an order that, in the event of an actual or imminent cardiac or respiratory arrest, chest compression and ventricular defibrillation will not be performed, the patient will not be intubated or manually ventilated, and there will be no administration of resuscitation drugs.

IX. "Durable power of attorney for health care" means a document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter. It shall not mean forms routinely required by health and residential care providers for admissions and consent to treatment.

X. "Emergency services personnel" means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics or other emergency services personnel, providers, or entities acting within the usual course of their professions.

XI. "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to any type of health care, treatment, admission to a health care facility, any service or procedure to maintain, diagnose, or treat an individual's physical or mental condition except as prohibited in this chapter or otherwise by law.

XII. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

XIII. "Life-sustaining treatment" means any medical procedures or interventions which utilize mechanical or other medically administered means to sustain, restore, or supplant a vital function which, in the written judgment of the attending physician or ARNP, would serve only to artificially postpone the moment of death, and where the person is near death or is permanently unconscious. "Life-sustaining treatment" includes, but is not limited to, the following: mechanical respiration, kidney dialysis or the use of other external mechanical or technological devices. Life sustaining treatment may include drugs to maintain blood pressure, blood transfusions, and antibiotics. "Life-sustaining treatment" shall not include the administration of medication, natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide comfort or to alleviate pain.

XIV. "Living will" means a directive which, when duly executed, contains the express direction that no life-sustaining treatment be given when the person executing said directive has been diagnosed and certified in writing by the attending physician or ARNP to be near death or permanently unconscious, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

XV. "Medically administered nutrition and hydration" means invasive procedures such as, but not limited to the following: Nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.

XVI. "Near death" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining treatment would, to a reasonable degree of medical certainty, as determined by 2 physicians or a physician and an ARNP, only postpone the moment of death.

XVII. "Permanently unconscious" means a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.

XVIII. "Physician" means a medical doctor licensed in good standing to practice in the state of New Hampshire pursuant to RSA 329.

XIX. "Principal" means a person 18 years of age or older who has executed an advance directive pursuant to the provisions of this chapter.

XX. "Qualified patient" means a patient who has executed an advance directive in accordance with this chapter and who has been certified in writing by the attending physician or ARNP to lack the capacity to make health care decisions.

XXI. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician or ARNP who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

XXII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.

XXIII. "Witness" means a competent person 18 years or older who is present when the principal signs an advance directive.

137-J:3 Freedom From Influence; Notice Required.

I. No health care provider or residential care provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan shall charge a person a different rate because of the existence or non-existence of an advance directive or do not resuscitate order, or require any person to execute an advance directive or require the issuance of a do not resuscitate order as a condition of admission to a hospital, nursing home, or residential care home, or as a condition of being insured for, or receiving, health or residential care services. Health or residential care services shall not be refused because a person is known to have executed an advance directive or have a do not resuscitate order.

II. The execution of an advance directive pursuant to this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired, modified or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured person notwithstanding any term of the policy to the contrary.

III. Any health care provider or residential care provider which does not recognize DNR's or living wills shall post at every place of admission, a notice which shall be a minimum size of 8 ½"x 11" stating the following in legible print: "This hospital/ facility does not honor Do Not Resuscitate (DNR) or Living Will documents."

137-J:4 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Advance Directives

137-J:5 Scope and Duration of Agent's Authority.

I. Subject to the provisions of this chapter and any express limitations set forth by the principal in an advance directive, the agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make.

II. An agent's authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician or ARNP, and filed with the name of the agent in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician or ARNP, noted in the principal's medical record, the agent's authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician or ARNP for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician or ARNP shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection unless the principal's advance directive includes the following statement initialed by the principal, "Even if I am incapacitated and I object to treatment, treatment may be given to me against my objection."

V. Nothing in this chapter shall be construed to give an agent authority to:

(a) Consent to voluntary admission to any state institution;

(b) Consent to a voluntary sterilization; or

(c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

137-J:6 Requirement to Act in Accordance with Principal's Wishes and Best Interests. After consultation with the attending physician or ARNP and other health care providers, the agent shall make health care decisions in accordance with the agent's knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests and in accordance with accepted medical practice.

137-J:7 Physician, ARNP, and Provider's Responsibilities.

I. A qualified patient's attending physician or ARNP, or a qualified patient's health care provider or residential care provider, and employees thereof, having knowledge of the qualified patient's advance directive shall be bound to follow, as applicable, the dictates of the qualified patient's living will and/or the directives of a qualified patient's designated agent to the extent they are consistent with this chapter and the advance directive, and to the extent they are within the bounds of responsible medical practice.

(a) An attending physician or ARNP, or other health care provider or residential care provider, who is requested to do so by the principal shall make the principal's advance directive or a copy of such document a part of the principal's medical record.

(b) Any person having in his or her possession a duly executed advance directive or a revocation thereof, if it becomes known to that person that the principal executing the same is in such circumstances that the terms of the advance directive might become applicable (such as when the principal becomes a "qualified patient"), shall forthwith deliver an original or copy of the same to the health care provider or residential care provider with which the principal is a patient.

(c) The principal's attending physician or ARNP, or any other physician or ARNP, who is aware of the principal's execution of an advance directive shall, without delay, take the necessary steps to provide for written verification of the principal's lack of capacity to make health care decisions (in other words, to certify that the principal is a "qualified patient"), and/or the principal's near death or permanently unconscious condition, as defined in this chapter and as appropriate to the principal's medical condition, so that the attending physician or ARNP and the principal's agent may be authorized to act pursuant to this chapter.

(d) If a physician or an ARNP, because of his or her personal beliefs or conscience, is unable to comply with the terms of the advance directive, he or she shall immediately inform the qualified patient, the qualified patient's family, or the qualified patient's agent. The qualified patient, or the qualified patient's agent or family, may then request that the case be referred to another physician or ARNP.

II. An attending physician or ARNP who, because of personal beliefs or conscience, is unable to comply with the advance directive pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of a qualified patient and the appropriate medical records that document the qualified patient's lack of capacity to make health care decisions to another physician or ARNP who has been chosen by the qualified patient, by the qualified patient's agent, or by the qualified patient's family, provided, that pending the completion of the transfer, the attending physician or ARNP shall not deny health care treatment, nutrition, or hydration which denial would, within a reasonable degree of medical certainty, result in or hasten the qualified patient's death against the express will of the qualified patient, the advance directive, or the agent.

III. Medically administered nutrition and hydration and life sustaining treatment shall not be withdrawn or withheld under this chapter unless:

(a) There is a clear expression of such intent in the directive;

(b) The principal objects pursuant to RSA 137-J:5, IV; or

(c) Such treatment would have the unintended consequence of hastening death or causing irreparable harm as certified by an attending physician and a physician knowledgeable about the patient's condition.

IV. When the direction of an agent or instruction under a living will requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that, pending the completion of the transfer, the health care provider or residential care provider shall not deny health care treatment, nutrition, hydration, or life sustaining treatment which denial would with a reasonable degree of medical certainty result in or hasten the principal's death against the expressed will of the principal, the principal's advance directive, or the agent; and further provided, that, the health care provider or residential care provider shall inform the agent of its decision not to participate in such an act or omission.

137-J:8 Restrictions on Who May Act as Agent. A person may not exercise the authority of agent while serving in one of the following capacities:

I. The principal's health care provider or residential care provider.

II. A nonrelative of the principal who is an employee of the principal's health care provider or residential care provider.

137-J:9 Confidentiality and Access to Protected Health Information.

I. Health care providers, residential care providers, and persons acting for such providers or under their control, shall be authorized to;

(a) Communicate to an agent any medical information about the principal, if the principal lacks the capacity to make health care decisions, necessary for the purpose of assisting the agent in making health care decisions on the principal's behalf.

(b) Provide copies of the principal's advance directives as necessary to facilitate treatment of the principal.

II. Subject to any limitations set forth in the advance directive by the principal, an agent whose authority is in effect shall be authorized, for the purpose of making health care decisions, to:

(a) Request, review, and receive any information, oral or written, regarding the principal's physical or mental health, including, but not limited to, medical and hospital records.

(b) Execute any releases or other documents which may be required in order to obtain such medical information.

(c) Consent to the disclosure of such medical information.

137-J:10 Withholding or Withdrawal of Life-Sustaining Treatment.

I. In the event a health care decision to withhold or withdraw life-sustaining treatment, including medically administered nutrition and hydration, is to be made by an agent, and the principal has not executed the "living will" of the advance directive, the following additional conditions shall apply:

(a) The principal's attending physician or ARNP shall certify in writing that the principal lacks the capacity to make health care decisions.

(b) Two physicians or a physician and an ARNP shall certify in writing that the principal is near death or is permanently unconscious.

(c) Notwithstanding the capacity of an agent to act, the agent shall make a good faith effort to explore all avenues reasonably available to discern the desires of the principal including, but not limited to, the principal's advance directive, the principal's written or spoken expressions of wishes, and the principal's known religious or moral beliefs.

II. Notwithstanding paragraph I, medically administered nutrition and hydration and life-sustaining treatment shall not be withdrawn or withheld under an advance directive unless:

(a) There is a clear expression of such intent in the directive;

(b) The principal objects pursuant to RSA 137-J:5, IV; or

(c) Such treatment would have the unintended consequence of hastening death or causing irreparable harm as certified by an attending physician and a physician knowledgeable about the patient's condition.

III. The withholding or withdrawal of life-sustaining treatment pursuant to the provisions of this chapter shall at no time be construed as a suicide or murder for any legal purpose. Nothing in this chapter shall be construed to constitute, condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end one's own life or to end the life of another other than either to permit the natural process of dying of a patient near death or the removal of life-sustaining treatment from a patient in a permanently unconscious condition as provided in this chapter. The withholding or withdrawal of life-sustaining treatment in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the principal's condition.

IV. Nothing in this chapter shall be construed to condone, authorize, or approve:

(a) The consent to withhold or withdraw life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

(b) The withholding or withdrawing of medically administered nutrition and hydration or life-sustaining treatment from a mentally incompetent or developmentally disabled person, unless such person has a validly executed advance directive or such action is authorized by an existing guardianship or other court order, or such action is taken in accordance with the facility's standard protocol as applicable to its general patient population.

V. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

VI. Nothing in this chapter shall be construed to revoke or adversely affect the privileges or immunities of health care providers or residential care providers and others to provide treatment to persons in need thereof in an emergency, as provided for under New Hampshire law.

VII. Nothing in this chapter shall be construed to create a presumption that in the absence of an advance directive, a person wants life-sustaining treatment to be either taken or withdrawn. This chapter shall also not be construed to supplant any existing rights and responsibilities under the law of this state governing the conduct of physicians or ARNPs in consultation with patients or their families or legal guardians in the absence of an advance directive.

137-J:11 Liability for Health Care Costs. Liability for the cost of health care provided pursuant to the agent's decision shall be the same as if the health care were provided pursuant to the principal's decision.

137-J:12 Immunity.

I. No person acting as agent pursuant to an advance directive shall be subjected to criminal or civil liability for making a health care decision on behalf of the principal in good faith pursuant to the provisions of this chapter and the terms of the advance directive if such person exercised such power in a manner consistent with the requirements of this chapter and New Hampshire law.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to civil or criminal liability or be deemed to have engaged in unprofessional conduct for:

(a) Any act or intentional failure to act, if the act or intentional failure to act is done pursuant to the dictates of an advance directive, the directives of the principal's agent, and the provisions of this chapter, and said act or intentional failure to act is done in good faith and in keeping with reasonable medical standards pursuant to the advance directive and in accordance with this chapter; or

(b) Failure to follow the directive of an agent if the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent under this chapter or the contents of the principal's advance directive; provided, that this subparagraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

III. Nothing in this section shall be construed to establish immunity for the failure to exercise due care in the provision of services or for actions contrary to the requirements of this chapter or other laws of the state of New Hampshire.

IV. For purposes of this section, "good faith" means honesty in fact in the conduct of the transaction concerned.

137-J:13 Use of Statutory Forms.

I. Every person wishing to execute an advance directive shall be provided with a disclosure statement substantially in the form set forth in RSA 137-J:19 prior to execution. The principal shall be required to sign a statement acknowledging that he or she has received the disclosure statement and has read and understands its contents.

II. An advance directive executed on or after the effective date of this chapter shall be substantially in the form set forth in RSA 137-J:20.

III. Medically administered nutrition and hydration shall not be withdrawn or withheld under an advance directive unless there is a clear expression of such power in the document.

137-J:14 Execution and Witnesses.

I. The advance directive shall be signed by the principal in the presence of either of the following:

(a) Two or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's spouse or heir at law, or a person entitled to any part of the estate of the principal upon death of the principal under a will, trust, or other testamentary instrument or deed in existence or by operation of law, or attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP. No more than one such witness may be the principal's health or residential care provider or such provider's employee. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the advance directive was signed and that the principal affirmed that he or she was aware of the nature of the document and signed it freely and voluntarily; or

(b) A notary public or justice of the peace, who shall acknowledge the principal's signature pursuant to the provisions of RSA 456 or RSA 456-A.

II. If the principal is physically unable to sign, the advance directive may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.

III. A principal's decision to exclude or strike references to ARNPs and the powers granted to ARNPs in his or her advance directive shall be honored.

137-J:15 Revocation.

I. An advance directive consistent with the provisions of this chapter shall be revoked:

(a) By written revocation delivered to the agent or to a health care provider or residential care provider expressing the principal's intent to revoke, signed, and dated by the principal; by oral revocation in the presence of 2 or more witnesses, none of whom shall be the principal's spouse or heir at law; or by any other act evidencing a specific intent to revoke the power, such as by burning, tearing, or obliterating the same or causing the same to be done by some other person at the principal's direction and in the principal's presence;

(b) By execution by the principal of a subsequent advance directive;

(c) By the filing of an action for divorce, legal separation, annulment or protective order, where both the agent and the principal are parties to such action, except when there is an alternate agent designated, in which case the designation of the primary agent shall be revoked and the alternate designation shall become effective. Re-execution or written re-affirmation of the advance directive following a filing of an action for divorce, legal separation, annulment or protective order shall make effective the original designation of the primary agent under the advance directive; or

(d) By a determination by a court under RSA 506:7 that the agent's authority has been revoked.

II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physician or ARNP, and staff responsible for the principal's care of the revocation. An agent who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician or ARNP.

137-J:16 Documents Executed Prior to Enactment. Nothing in this chapter limits the enforceability of an advance directive or similar instrument validly executed under prior New Hampshire law.

137-J:17 Reciprocity. Nothing in this chapter limits the enforceability of an advance directive or similar instrument executed in another state or jurisdiction in compliance with the law of that state or jurisdiction. However, any exercise of power under such a foreign advance directive or similar instrument shall be restricted by and in compliance with the requirements of this chapter and the laws of the state of New Hampshire.

137-J:18 Naming of Multiple Agents. If the principal lists more than one person as the agent in a durable power of attorney for health care directive, the agents shall have authority in priority of the order in which their names are listed on the document, unless the method of joint agency is expressly included.

137-J:19 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF
ATTORNEY FOR HEALTH CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING IT, YOU SHOULD
KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the directive, this directive gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

You may state in this directive any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the directive and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to complete your statement.

If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must say so in your directive. Otherwise, your health care agent will not be able to direct that. Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your agent shall be directed by your written instructions in this document when making decisions on your behalf, and as further guided by your medical condition or prognosis. Unless you state otherwise in the directive, your agent will have the same power to make decisions about your health care as you would have made, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this directive with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this directive, but if there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced registered nurse practitioner, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this directive with your health care agent and your doctor or advanced registered nurse practitioner and give each one a signed copy. You should write on the directive itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DIRECTIVE, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CAN-

NOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

YOU HAVE THE RIGHT TO EXCLUDE OR STRIKE REFERENCES TO ARNP'S IN YOUR ADVANCE DIRECTIVE AND IF YOU DO SO, YOUR ADVANCE DIRECTIVE SHALL STILL BE VALID AND ENFORCEABLE.

Once this directive is executed it cannot be changed or modified. If you want to make changes, you must make an entirely new directive.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR JUSTICE OF THE PEACE OR TWO (2) OR MORE QUALIFIED WITNESSES, WHO MUST BOTH BE PRESENT WHEN YOU SIGN AND WHO WILL ACKNOWLEDGE YOUR SIGNATURE ON THE DOCUMENT. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

- _____ The person you have designated as your health care agent;
- _____ Your spouse or heir at law;
- _____ Your attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDER'S EMPLOYEES.

137-J:20 Advance Directive; Durable Power of Attorney and Living Will; Form. An advance directive in its individual "Durable Power of Attorney for Healthcare" and "Living Will" components shall be in substantially the following form:

NEW HAMPSHIRE ADVANCE DIRECTIVE

NOTE: This form has two sections.

You may complete both sections, or only one section.

I. DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I, _____, hereby appoint _____ of _____ (Please choose only one person. If you choose more than one agent, they will have authority in priority of the order their names are listed, unless you indicate another form of decision making.) as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this directive or as prohibited by law. This durable power of attorney for health care shall take effect in the event I lack the capacity to make my own health care decisions.

In the event the person I appoint above is unable, unwilling or unavailable, or ineligible to act as my health care agent, I hereby appoint _____ of _____ as alternate agent. (Please choose only one person. If you choose more than one alternate agent, they will have authority in priority of the order their names are listed.)

STATEMENT OF DESIRES, SPECIAL PROVISIONS, AND LIMITATIONS REGARDING HEALTH CARE DECISIONS.

For your convenience in expressing your wishes, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. (Life-sustaining treatment is defined as procedures without which a person would die, such as but not limited to the following: mechanical respiration, kidney dialysis or the use of other external mechanical and technological devices, drugs to maintain blood pressure, blood transfusions, and antibiotics.) There is also a section which allows you to set forth specific directions for these or other matters. If you wish, you may indicate your agreement or disagreement with any of the following statements and give your agent power to act in those specific circumstances.

A. LIFE-SUSTAINING TREATMENT.

1. If I am near death and lack the capacity to make health care decisions, I authorize my agent to direct that: (Initial beside your choice of (a) or (b).)

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

2. Whether near death or not, if I become permanently unconscious I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

B. MEDICALLY ADMINISTERED NUTRITION AND HYDRATION.

1. I realize that situations could arise in which the only way to allow me to die would be to not start or to discontinue medically administered nutrition and hydration. In carrying out any instructions I have given in this document, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued.

-or-

_____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

(If you fail to complete item B, your agent will not have the power to direct the withholding or withdrawal of medically administered nutrition and hydration.)

C. ADDITIONAL INSTRUCTIONS.

Here you may include any specific desires or limitations you deem appropriate, such as when or what life-sustaining treatment you would want used or withheld, or instructions about refusing any specific types of treatment that are inconsistent with your religious beliefs or are unacceptable to you for any other reason. You may leave this question blank if you desire.

(attach additional pages as necessary)

I hereby acknowledge that I have been provided with a disclosure statement explaining the effect of this directive. I have read and understand the information contained in the disclosure statement.

The original of this directive will be kept at _____ and the following persons and institutions will have signed copies:

Signed this _____ day of _____, 2_____

Principal's Signature: _____

[If you are physically unable to sign, this directive may be signed by someone else writing your name, in your presence and at your express direction.]

THIS POWER OF ATTORNEY DIRECTIVE MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC OR A JUSTICE OF THE PEACE.

We declare that the principal appears to be of sound mind and free from duress at the time the durable power of attorney for health care is signed and that the principal affirms that he or she is aware of the nature of the directive and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing durable power of attorney for health care was acknowledged before me this _____ day of _____, 20____, by _____ ("the Principal").

Notary Public / Justice of the Peace

My commission expires:

II. LIVING WILL

Declaration made this _____ day of _____, 20_____.

I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness and I am certified to be near death or in a permanently unconscious condition by 2 physicians or a physician and an ARNP, and 2 physicians or a physician and an ARNP have determined that my death is imminent whether or not lifesustaining treatment is utilized and where the application of life-sustaining treatment would serve only to artificially prolong the dying process, or that I will remain in a permanently unconscious condition, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide me with comfort care. I realize that situations could arise in which the only way to allow me to die would be to discontinue medically administered nutrition and hydration.

In carrying out any instruction I have given under this section, I authorize that:

(Initial beside your choice of (a) or (b).)

_____(a) medically administered nutrition and hydration not be started or, if started, be discontinued,

-or-

_____(b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this declaration shall be honored by my family and health care providers as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed this _____ day of _____, 2_____.

Principal's Signature: _____

[If you are physically unable to sign, this directive may be signed by someone else writing your name, in your presence and at your express direction.]

THIS LIVING WILL DIRECTIVE MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC OR A JUSTICE OF THE PEACE.

We declare that the principal appears to be of sound mind and free from duress at the time the living will is signed and that the principal affirms that he or she is aware of the nature of the directive and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing living will was acknowledged before me this _____ day of _____, 20____, by _____ (the "Principal").

Notary Public / Justice of the Peace

My commission expires:

137-J:21 Effect of Appointment of Guardian; Inconsistency.

I. On motion filed in connection with a petition for appointment of a guardian or on petition of a guardian if one has been appointed, the probate court shall consider whether the authority of an agent designated pursuant to an advance directive should be suspended or revoked. In making its determination, the probate court shall take into consideration the preferences of the principal as expressed in the advance directive. No such consideration shall change the procedures or burden of proof involved in the guardianship process as otherwise provided by law or procedures. In such consideration, the advance directive and agent appointed shall be presumed to be in the best interest of the principal and valid, absent clear and convincing evidence to the contrary.

II. To the extent that a durable power of attorney for health care, or such component of an advance directive as set forth in RSA 137-J:20, conflicts with a terminal care document or living will, or such component of an advance directive as set forth in RSA 137-J:20, the durable power of attorney for health care shall control.

137-J:22 Civil Action.

I. The principal or any person who is a near relative of the principal, or who is a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including, but not limited to a guardian, social worker, physician, or clergy, may file an action in the probate court of the county where the principal is located at the time:

(a) Requesting that the authority granted to an agent by an advance directive be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the advance directive was executed, and shall have all the rights and remedies provided by RSA 506:7 which shall apply to directives executed under this chapter and persons acting pursuant to this chapter.

(b) Challenging the right of any agent who is acting or who proposes to act as such pursuant to this chapter and naming another person, who agrees to so act, to be appointed guardian over the person of the principal for the sole purpose of making health care decisions, as provided for in RSA 464-A.

II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

III. The probate court in which such a petition is filed shall hold a hearing as expeditiously as possible.

137-J:23 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged, or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of an advance directive or revocation of same with the intent to injure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in title LXII.

Do Not Resuscitate

137-J:24 Applicability. The provisions of this subdivision apply to all persons regardless of whether or not they have completed an advance directive.

137-J:25 Presumed Consent to Cardiopulmonary Resuscitation; Health Care Providers and Residential Care Providers Not Required to Expand to Provide Cardiopulmonary Resuscitation.

I. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider or residential care provider has actual knowledge, apply:

(a) A do not resuscitate order in accordance with the provisions of this chapter has been issued for that person;

(b) A completed advance directive for that person is in effect, pursuant to the provisions of this chapter, in which the person indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her agent has determined that the person would not wish to receive cardiopulmonary resuscitation;

(c) A person who lacks capacity to make health care decisions is near death and admitted to a health care facility, and the person's agent is not available and the facility has made diligent efforts to contact the agent without success, or the person's agent is not legally capable of making health care decisions for the person, and the attending physician or ARNP and a physician knowledgeable about the patient's condition, have determined that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards and would cause unnecessary harm to the person, and the attending physician or ARNP has completed a do not resuscitate order; or

(d) A person is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof.

II. Nothing in this section shall be construed to revoke any statute, regulation, or law otherwise requiring or exempting a health care provider or residential care provider from instituting or maintaining the ability to provide cardiopulmonary resuscitation or expanding its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation.

137-J:26 Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician or ARNP.

I. An attending physician or ARNP may issue a do not resuscitate order for a person if the person, or the person's agent, has consented to the order. A do not resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do not resuscitate order shall be issued in accordance with the policies and procedures of the health care facility and in accordance with the provisions of this chapter.

II. A person may request that his or her attending physician or ARNP issue a do not resuscitate order for the person.

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions if the advance directive signed by the principal grants such authority. A do not resuscitate order written by the attending physician or ARNP for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

IV. If an agent is not reasonably available and the facility has made diligent efforts to contact the agent without success, or the agent is not legally capable of making a decision regarding a do not resuscitate order, an attending physician or ARNP may issue a do not resuscitate order for a person who lacks capacity to make health care decisions, who is near death, and who is admitted to a health care facility if a second physician who has personally examined the person concurs in the opinion of the attending physician or ARNP that the provision of cardiopulmonary resuscitation would be contrary to accepted medical standards and would cause unnecessary harm to the person.

V. For persons not present or residing in a health care facility, the do not resuscitate order shall be noted on a medical orders form or in substantially the following form on a card suitable for carrying on the person:

Do Not Resuscitate Order

As attending physician or ARNP of _____ and as a licensed physician or advanced registered nurse practitioner, I order that this person SHALL NOT BE RESUSCITATED in the event of cardiac or respiratory arrest.

This order has been discussed with _____ (or, if applicable, with his/her agent,) _____, who has given consent as evidenced by his/her signature below.

Attending physician or ARNP Name _____

Attending physician or ARNP Signature _____

Address _____

Person Signature _____

Address _____

Agent Signature (if applicable) _____

Address _____

VI. For persons residing in a health care facility, the do not resuscitate order shall be reflected in at least one of the following forms:

(a) Forms required by the policies and procedures of the health care facility in compliance with this chapter;

(b) The do not resuscitate card as set forth in paragraph V; or

(c) The medical orders form in compliance with this chapter.

137-J:27 Compliance With a Do Not Resuscitate Order.

I. Health care providers and residential care providers shall comply with the do not resuscitate order when presented with one of the following:

(a) A do not resuscitate order completed by the attending physician or ARNP on a form as specified in RSA 137-J:26;

(b) A do not resuscitate order for a person present or residing in a health care facility issued in accordance with the health care facility's policies and procedures in compliance with the chapter; or

(c) A medical orders form on which the attending physician or ARNP has documented a do not resuscitate order in compliance with this chapter.

(d) Do not resuscitate identification as set forth in RSA 137-J:33.

II. Pursuant to this chapter, health care providers shall respect do not resuscitate orders for persons in health care facilities, ambulances, homes, and communities within this state.

137-J:28 Protection of Persons Carrying Out in Good Faith a Do Not Resuscitate Order; Notification of Agent by Attending Physician or ARNP Refusing to Comply With Do Not Resuscitate Order.

I. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to criminal or civil liability, or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a do not resuscitate order authorized by this chapter on behalf of a person as instructed by the person, or the person's agent, or for those actions taken in compliance with the standards and procedures set forth in this chapter.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, or other individual who witnesses a cardiac or respiratory arrest shall be subjected to criminal or civil liability for providing cardiopulmonary resuscitation to a person for whom a do not resuscitate order has been issued; provided, that such provider or individual:

(a) Reasonably and in good faith is unaware of the issuance of a do not resuscitate order; or

(b) Reasonably and in good faith believed that consent to the do not resuscitate order has been revoked or canceled.

III.(a) Any attending physician or ARNP who, because of personal beliefs or conscience, refuses to issue a do not resuscitate order at a person's request or to comply with a do not resuscitate order issued pursuant to this chapter shall take reasonable steps to advise promptly the person or agent of the person that such attending physician or ARNP is unwilling to effectuate the order. The attending physician or ARNP shall thereafter at the election of the person or agent permit the person or agent to obtain another attending physician or ARNP.

(b) If a physician or ARNP, because of his or her personal beliefs or conscience, is unable to comply with the terms of a do not resuscitate order, he or she shall immediately inform the person, the person's agent, or the person's family. The person, the person's agent, or the person's family may then request that the case be referred to another physician or ARNP, as set forth in RSA 137-J:7, II and III.

137-J:29 Revocation of Do Not Resuscitate Order.

I. At any time a person in a health care facility may revoke his or her previous request for or consent to a do not resuscitate order by making either a written, oral, or other act of communication to the attending physician or ARNP or other professional staff of the health care facility.

II. At any time a person residing at home may revoke his or her do not resuscitate order by destroying such order and removing do not resuscitate identification on his or her person. The person is responsible for notifying his or her attending physician or ARNP of the revocation.

III. At any time an agent may revoke his or her consent to a do not resuscitate order for a person who lacks capacity to make health care decisions who is admitted to a health care facility by notifying the attending physician or ARNP or other professional staff of the health care facility of the revocation of consent in writing, or by orally notifying the attending physician or ARNP in the presence of a witness 18 years of age or older.

IV. At any time an agent may revoke his or her consent for a person who lacks capacity to make health care decisions who is residing at home by destroying such order and removing do not resuscitate identification from the person. The agent is responsible for notifying the person's attending physician or ARNP of the revocation.

V. The attending physician or ARNP who is informed of or provided with a revocation of consent pursuant to this section shall immediately cancel the do not resuscitate order if the person is in a health care facility and notify the professional staff of the health care facility responsible for the person's care of the revocation and cancellation. Any professional staff of the health care facility who is informed of or provided with a revocation of consent pursuant to this section shall immediately notify the attending physician or ARNP of such revocation.

VI. Only a physician or advanced registered nurse practitioner may cancel the issuance of a do not resuscitate order.

137-J:30 Not Suicide or Murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter shall not, for any purpose, constitute suicide or murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this chapter shall be construed to legalize, condone, authorize, or approve mercy killing or assisted suicide.

137-J:31 Interinstitutional Transfers. If a person with a do not resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of a do not resuscitate order to the receiving facility prior to the transfer. The written do not resuscitate order, the do not resuscitate card as described in RSA 137-J:26, or the medical orders form shall accompany the person to the health care facility receiving the person and shall remain effective until a physician at the receiving facility issues admission orders. The do not resuscitate card or the medical orders form shall be kept as the first page in the person's transfer records.

137-J:32 Preservation of Existing Rights.

I. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

II. Nothing in this chapter shall be construed to preclude a court of competent jurisdiction from approving the issuance of a do not resuscitate order under circumstances other than those under which such an order may be issued pursuant to the provisions of this chapter.

137-J:33 Do Not Resuscitate Identification. Do not resuscitate identification as set forth in this chapter may consist of either a medical condition bracelet or necklace with the inscription of the person's name, date of birth in numerical form and "NH Do Not Resuscitate" or "NH DNR" on it. Such identification shall be issued only upon presentation of a properly executed do not resuscitate order form as set forth in RSA 137J:26, a medical orders form in which a physician or advanced registered nurse practitioner has documented a do not resuscitate order, or a do not resuscitate order properly executed in accordance with a health care facility's written policy and procedure.

The signatures below attest to the authenticity of this Report on HB 656-FN, an act relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Odell, Dist. 8
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. Dokmo, Hills. 6
Rep. Hunt, Ches. 7
Rep. Millham, Belk. 5
Rep. Sokol, Graf. 9

Adopted.

Senators Barnes and Martel are in opposition to the adoption of the Committee of Conference Report on HB 656-FN.

May 17, 2006
2006-2299-CofC
01/09

Committee of Conference Report on HB 678-FN, an act relative to the insurance premium tax.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 678-FN, an act relative to the insurance premium tax.

Conferees on the Part of the Senate
Sen. Gatsas, Dist. 16
Sen. Clegg, Dist. 14
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. S. Francoeur, Rock. 15
Rep. Reardon, Merr. 11
Rep. Major, Rock. 8
Rep. R. Wheeler, Hills. 7

Adopted.

May 17, 2006
2006-2310-CofC
08/09

Committee of Conference Report on HB 1126, an act relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 37 the following and renumbering the original section 38 to read as 39:

38 Effective Date for Licenses Issued Prior to January 1, 2007. All licenses issued prior to January 1, 2007, pursuant to RSA 399-G, shall remain in effect until December 31, 2007.

The signatures below attest to the authenticity of this Report on HB 1126, an act relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

Conferees on the Part of the Senate
Sen. Flanders, Dist. 7
Sen. Gottesman, Dist. 12
Sen. Gallus, Dist. 1

Conferees on the Part of the House
Rep. Francoeur, Hills. 26
Rep. Charles Clark, Belk. 5
Rep. Stepanek, Hills. 6
Rep. Reardon, Merr. 11

Adopted.

May 19, 2006
2006-2363-CofC
06/09

Committee of Conference Report on HB 1146, an act establishing a committee to study renewable portfolio standards.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Commission Established. There is established a state energy policy commission.

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) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Two members appointed by the governor.

(d) The director of the office of energy and planning, or designee.

(e) A member of the public utilities commission, appointed by the commission.

(f) The consumer advocate, or designee.

(g) The commissioner of environmental services, 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 electricity supplies to meet demand including, but not limited to, consideration of the following issues:

(a) Diversity of fuel supplies and availability.

(b) Reliability of service.

(c) Price to end-use customers.

(d) Divestiture of PSNH generation assets.

(e) Structure, effectiveness, and competitiveness of wholesale and retail markets.

(f) Renewable portfolio standards.

(g) Federal Energy Regulatory Commission (FERC) and Independent System Operator (ISO) initiatives to promote increased capacity within the region, such as the forward capacity market initiative.

(h) Protection of public health and the environment.

II. Energy efficiency opportunities and programs, in all forms of energy usage.

III. Promoting renewable energy, both for electrical production and as a heat and transportation fuel source.

IV. The adequacy of natural gas supplies and fuel diversity within the state and region.

V. The regulatory process for siting commercial wind energy facilities in the state and the economic, environmental, visual and ratepayer effects associated with such facilities.

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 house member. The first meeting 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 in the form of an interim report on or before December 1, 2006 and a final report on or before December 1, 2007.

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

The signatures below attest to the authenticity of this Report on HB 1146, an act establishing a committee to study renewable portfolio standards.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Green, Dist. 6
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Ross, Hills. 3
Rep. Ober, Hills. 27
Rep. O'Connell, Hills. 6
Rep. Cali-Pitts, Rock. 16

2006-2363-CofC**AMENDED ANALYSIS**

This bill establishes a state energy policy commission.

Adopted.

May 19, 2006

2006-2350-CofC

06/01

Committee of Conference Report on HB 1194, an act relative to job protection for firefighters, rescue workers, and emergency medical personnel.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

2 Accident and Health Insurance; Minimum Standards for Claim Review. Amend RSA 415-A:4-a, I(c) to read as follows:

(c) The notification of a claim denial shall be communicated in writing or by electronic means and shall include:

(1) The specific reason or reasons for the determination and shall refer to the specific provision of the policy or plan on which the determination is based;

(2) A statement of the claimant's or the representative of the claimant's right to access the internal grievance process and the process for obtaining external review. ~~[The notification shall also include a written explanation of any claim denial and the relevant clinical rationale used to make the claim denial.];~~

~~(3) If the claim denial is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate[, the licensee shall include with the notification];~~

~~(A) The name and credentials of the carrier or other licensed entity, the medical director, including board status and the state or states where the person is currently licensed. If the person making the claim denial is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person[. Nothing in this section shall be construed to require a carrier or other licensed entity to provide proprietary information protected by third party contracts]; and~~

(B) An explanation of the clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and how these provisions apply to the claimant's specific medical circumstances;

~~[(3)] (4) If an internal rule, guideline, protocol, or other similar provision was relied upon in making the benefit determination, [a reference to the specific rule, guideline, protocol, or other similar provision; and] a statement that such [a] rule, guideline, protocol, or other similar provision was relied upon in making the claim denial [and that a copy of such rule, guideline, protocol, or other provision will be provided free of charge to the claimant or claimant's representative upon request];~~

~~[(4) If the claim denial is based on a medical necessity or experimental treatment or other similar exclusion or limit, an explanation of the scientific or clinical judgment for the determination, applying the terms of the plan or the policy to the claimant's medical circumstances;]~~

(5) If clinical review criteria ~~[was]~~ **were** relied upon in making the benefit determination~~[, a reference to the specific clinical review criteria]~~, a statement that such clinical review criteria ~~[was]~~ **were** relied upon in making the claim denial. ~~[and a copy of the clinical review criteria shall be provided free of charge to the claimant or the claimant's representative, upon request. If a copy of the clinical review criteria is requested.]~~ The **recitation of the terms of the** clinical review criteria **required under RSA 415-A:4-a(c)(3)(B)** shall

be accompanied by the following notice: "The ~~[materials]~~ **clinical review criteria** provided to you are ~~[criteria]~~ used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract;" ~~[and]~~

(6) A description of the plan's grievance procedures and the time limits applicable to such procedures. In the case of a denial of a benefit concerning a claim involving urgent care or in the case of a denial of a claim related to continuation of an ongoing course of treatment for a person who has received emergency services, but who has not been discharged from a facility, a description of the expedited review applicable to such a claim shall be included in the determination. For all other claim benefit determinations, a description of the grievance process shall be specifically described in the determination.

3 Accident and Health Insurance; Appeal Procedure. Amend RSA 415-A:4-b, V(a) to read as follows:

(a) The carrier or other licensed entity shall provide a claimant with a written determination of the appeal that shall include:

(1) The specific reason or reasons for the determination, including reference to the specific provision~~[-rule, protocol, or guideline]~~ **of the policy or plan** on which the determination is based;

(2) ~~[A statement that the rule, protocol, or guideline governing the appeal will be provided without charge to the claimant upon request;]~~ **If the determination is based upon a finding that the claim is experimental or investigational or not medically necessary or appropriate:**

(A) The name and credentials of the person reviewing the grievance, including board status and the state or states where the person is currently licensed; and

(B) An explanation of the clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and how these provisions apply to the claimant's specific medical circumstance;

(3) A statement describing all other dispute resolution options available to the claimant, including, but not limited to other options for internal review and options for external review, and options for bringing a legal action;

(4) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits;

(5) If an internal rule, guideline, protocol, or other similar ~~[criterion]~~ **provision** was relied upon in making the claim denial, ~~[either the specific rule, guideline, protocol, or other similar criterion; or]~~ a statement that such rule, guideline, protocol, or other similar ~~[criterion]~~ **provision** was relied upon in making the claim denial~~[-and that a copy of the rule, guideline, protocol, or other similar criterion will be provided free of charge to the claimant upon request];~~

~~(6) [If the claim denial is based on a medical necessity or experimental treatment or similar exclusion or limit, either an explanation of the scientific or clinical judgment for the denial, applying the terms of the plan to the claimant's medical circumstances, or a statement that such explanation will be provided free of charge upon request;]~~

(7) The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor Office and your state insurance regulatory agency;" and

(8) A statement describing the claimant's right to contact the insurance commissioner's office for assistance which shall include a toll-free telephone number and address of the commissioner.

4 Licensure of Medical Utilization Review Entities; Notification of Claim Denials. Amend RSA 420-E:4, V to read as follows:

V. The manner and content of notification of claim benefit determinations shall be as follows:

(a) The licensee shall notify the claimant or claimant's representative in writing or electronically of the claim determination.

(b) If the claim benefit determination is a claim denial, the notice shall include:

(1) The ~~[notification shall state the]~~ specific reason or reasons for the determination and shall refer to the specific provision of the policy or plan on which the determination is based.

~~[(c) The notification shall include]~~ **(2)** A statement of the claimant's right or the right of the claimant's representative to access the internal grievance process and the process for obtaining external review. ~~[The notification shall also include a written explanation of any claim denial and the relevant clinical rationale used to make the claim denial.]~~

(3) If the claim denial is based upon a determination that the claim is experimental or investigational or not medically necessary or appropriate~~[- the licensee shall include with the notification]:~~

(A) The name and credentials of the carrier or other licensed entity, the medical director, including board status and the state or states where the person is currently licensed. If the person making the claim denial is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person~~[- Nothing in this section shall be construed to require a carrier or other licensed entity to provide proprietary information protected by third party contracts.]; and~~

(B) *An explanation of the clinical rationale for the determination. This explanation shall recite the terms of the plan or the policy or of any clinical review criteria or any internal rule, guideline, protocol, or other similar provision that was relied upon in making the claim denial and how these provisions apply to the claimant's specific medical circumstances;*

~~[(d)]~~ **(4)** If an internal rule, guideline, protocol, or other similar provision was relied upon in making the benefit determination, ~~[the determination shall reference the specific rule, guideline, protocol, or other similar provision; and shall include]~~ a statement that such ~~[a]~~ rule, guideline, protocol, or other similar provision was relied upon in making the claim denial ~~[and that a copy of such rule, guideline, protocol, or other provision will be provided free of charge to the claimant or claimant's representative upon request.];~~

~~[(e) If the claim denial is based on a medical necessity or experimental treatment or other similar exclusion or limit, the determination shall include an explanation of the scientific or clinical judgment for the determination, applying the terms of the plan or the policy to the claimant's medical circumstances.~~

~~[(f)]~~ **(5)** If clinical review criteria ~~[was]~~ **were** relied upon in making the benefit determination, ~~[a reference to the specific clinical review criteria,]~~ a statement that such clinical review criteria ~~[was]~~ **were** relied upon in making the claim denial~~[- and a copy of the clinical review criteria shall be provided free of charge to the claimant or claimant's representative, upon request. Any disclosure of].~~ **The recitation of terms of the clinical review criteria required under RSA 420-E:4, V(b)(3)(B)** shall be accompanied by the following notice: "The ~~[materials]~~ **clinical review criteria** provided to you are used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your contract~~[-];~~"

~~[(g)]~~ **(6)** In the case of a denial of a benefit concerning a claim involving urgent care or in the case of a denial of a claim related to continuation of an ongoing course of treatment for a person who has received emergency services, but who has not been discharged from a facility, a description of the expedited review applicable to such a claim shall be included in the determination. For all other claim benefit determinations, a description of the grievance process shall be specifically described in the determination.

5 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on HB 1194, an act relative to job protection for firefighters, rescue workers, and emergency medical personnel.

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Flanders, Dist. 7
Sen. Gottesman, Dist. 12

Conferees on the Part of the House
Rep. Infantine, Hills. 13
Rep. S. Francoeur, Rock. 15
Rep. S. Scamman, Rock. 13
Rep. Hofemann, Straf. 6

2006-2350-CofC

AMENDED ANALYSIS

This bill gives firefighters, rescue workers, and emergency medical personnel the right to take leave without pay from a place of employment when mobilized after the governor has declared a state of emergency unless certified as essential to an employer's emergency relief efforts.

This bill also clarifies the procedures for medical insurance claim denials.

Adopted.

May 17, 2006
2006-2293-CofC
03/01

Committee of Conference Report on HB 1238-FN, an act relative to centralized voter registration database information.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Availability of Checklist. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist.

I. In this section:

(a) "Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.

(b) "Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.

(c) "Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.

(d) "Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors ***of the checklist*** shall furnish one or more copies of the most recent ***public checklist of their town or city*** to any person requesting such copies. [If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.] ***The supervisors of the checklist may only provide checklist information for their town or city. The supervisors of the checklist may charge a fee of up to \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist may charge a fee of up to \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.***

III. Any person may view the data that would be available on the public checklist, as corrected by the supervisors of the checklist, on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data. The secretary of state may only provide copies of the most recent public checklist to a political committee of a political party as defined in RSA 664:2, V, or to a candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election. The secretary of state may not provide public checklists of less than the entire state. The secretary of state may charge a fee of up to \$25 plus \$0.50

per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the statewide public checklist. The secretary of state may provide public checklists as prescribed in this section on paper; computer disk, computer tape, electronic transfer; or any other form.

IV. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city under this section shall be for the use of the town or city.

V. No person shall use or permit the use of checklist information provided by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

VI. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

2 Centralized Voter Registration Database; Jury Lists. Amend RSA 654:45, VI to read as follows:

VI. The voter database shall be private and confidential and shall not be subject to RSA 91A and RSA 654:31. **The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists.** The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

3 Right to Know Exemption; Public Information; Mailing Address. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, **mailing address**, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

4 Election Procedure; Prohibited Acts; Interference With Communications; Penalty. Amend RSA 659:40-a to read as follows:

659:40-a Interference With Communications. Any person who, on the day of any election, knowingly blocks, or solicits another person to block, the access of any candidate or committee to the candidate's or the committee's communications equipment or services with the intent of interfering with campaign activity shall be guilty of a class ~~A misdemeanor~~ **B felony**.

5 Election Procedure; Prohibited Acts; Tampering with Voting Machines; Software. Amend RSA 659:42 to read as follows:

659:42 Tampering with Voting Machines. Whoever shall tamper with or injure or attempt to injure any voting machine or device for the computerized casting and counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such machine or device **or whoever shall tamper with software used in the casting or counting of ballots or design such software so as to cause incorrect tabulation of the ballots** or any unauthorized person who shall make or have in his **or her** possession a key to a voting machine to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

6 Effective Date.

I. Sections 4-5 of this act shall take effect January 1, 2007.

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

The signatures below attest to the authenticity of this Report on HB 1238-FN, an act relative to centralized voter registration database information.

Conferees on the Part of the Senate
 Sen. Green, Dist. 6
 Sen. Bragdon, Dist. 11
 Sen. Larsen, Dist. 15

Conferees on the Part of the House
 Rep. Whalley, Belk. 5
 Rep. Biundo, Hills. 15
 Rep. Reeves, Hills. 8
 Rep. C. Chase, Hills. 2

2006-2293-CofC

AMENDED ANALYSIS

This bill:

- I. Modifies fees and procedures for obtaining copies of voter checklist information.
- II. Prohibits the use of checklist information provided by the secretary of state for commercial purposes.
- III. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.
- IV. Adds the mailing address contained on the checklist to the public information subject to RSA 91-A.
- V. Increases the penalty for interference with campaign communications.
- VI. Prohibits tampering with voting machine software.

Adopted.

May 18, 2006
2006-2339-CofC
06/09

Committee of Conference Report on HB 1315, an act relative to the definition and classification of dams.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

8 New Paragraph; Property Rights Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph V the following new paragraph:

VI. For a consideration of \$1, the fish and game department is authorized to accept conveyance from the property owners of all water and property rights necessary to repair, maintain, and operate Big Brook Bog dam in the town of Pittsburg, known as number 194.14, for the purpose of improving and controlling the water rights for the benefit of the state. The property rights the fish and game department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the properties are held by the state. The rights to be acquired shall include the right to maintain Big Brook Bog dam in its historic configuration as it existed prior to February 1, 2003, or any other configuration beneficial to the state. The fish and game department may transfer rights in Big Brook Bog dam under RSA 482:51 to the department for purposes of repair and maintenance.

9 Dam Management Review Committee; Study. The dam management review committee, established under RSA 482:93, shall study the potential sources of funding for the repair and maintenance of dams by the state and shall report its findings and recommendations to the governor, the president of the senate, and the speaker of the house of representatives by December 1, 2006.

10 Effective Date.

- I. Section 8 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 1315, an act relative to the definition and classification of dams.

Conferees on the Part of the Senate
 Sen. Johnson, Dist. 2
 Sen. Eaton, Dist. 10
 Sen. Hassan, Dist. 23

Conferees on the Part of the House
 Rep. Currier, Merr. 5
 Rep. Irish, Sull. 4
 Rep. Ahlgren, Carr. 4
 Rep. Spang, Straf. 7

2006-2339-CofC

AMENDED ANALYSIS

This bill:

- I. Changes the names for classification of dams from letters to names based on the hazard potential of the dam.
- II. Exempts certain storm water detention dams from the definition of "dam."
- III. Authorizes the department of resources and economic development to accept the Jericho Lake dam and dike in Berlin.
- IV. Authorizes the fish and game department to acquire property rights to Big Brook Bog dam in Pittsburg.
- V. Requires the dam management review committee to study and report on the potential sources of funding for the repair and maintenance of dams by the state.

Adopted.

May 19, 2006
2006-2351-CofC
05/01

Committee of Conference Report on HB 1331, an act relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 167:82, V(a) as inserted by section 8 of the bill by replacing it with the following:

(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. The initial sanction and the second level of sanction shall each apply for a 2-week period. The third level of sanction shall apply for a 4-week period, at the end of which the TANF financial assistance case shall close if the participant remains in noncompliance. Progressive sanctions shall apply unless and until the participant demonstrates full compliance.

Amend section 18 of the bill by inserting after RSA 167:93-c the following new RSA section:

167:93-d Performance Measurement System. The department of health and human services may establish an outcome measurement system with quarterly reports and yearly summaries to the oversight committee on health and human services, established in RSA 126-A:13, with the following areas as guidelines:

- I. The job retention and earnings gain indicators using the same methodology as the TANF high performance measures.
- II. The number and percent of cash assistance recipients who close each month due to employment, the average hourly, weekly, and monthly wages, the average total weekly and monthly total income, the number and percent who return to cash assistance after three, six and 12 months.
- III. The extended earnings of families who leave TANF due to employment.

IV. Numbers and percentages of families who leave TANF due to employment and stay employed.

V. Numbers and percentage of families who increase their earnings after leaving TANF.

VI. Numbers and percentages of TANF families that move out of poverty.

VII. Poverty and child poverty rates and out of wedlock births and the national ranking of New Hampshire.

VIII. The impact of TANF policies on local assistance as reported by the Local Welfare Administrator's Association.

IX. Any other measures selected by the department which show how TANF has moved families out of poverty and into employment.

The signatures below attest to the authenticity of this Report on HB 1331, an act relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Gatsas, Dist. 16
Sen. Clegg, Dist. 14

Conferees on the Part of the House
Rep. Batula, Hills. 19
Rep. Hager, Merr. 12
Rep. Mackay, Merr. 11
Rep. Price, Hills. 26

A division vote was requested.

Yeas: 15 - Nays: 9

Adopted.

May 16, 2006
2006-2275-CofC
05/03

Committee of Conference Report on HB 1332, an act establishing a commission to study health care in New Hampshire correctional facilities.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1332, an act establishing a commission to study health care in New Hampshire correctional facilities.

Conferees on the Part of the Senate
Sen. Letourneau, Dist. 19
Sen. Martel, Dist. 18
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. MacKay, Merr. 11
Rep. Chaplin, Straf. 3
Rep. Barry, Hills. 16
Rep. Schulze, Hills. 26

A division vote was requested.

Yeas: 19 - Nays: 5

Adopted.

May 17, 2006
2006-2307-CofC
05/10

Committee of Conference Report on HB 1343, an act relative to the duties of the council on resources and development.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 7 with the following:

7 Department of Environmental Services; Appropriation for E-Permitting Database. For the purpose of completing the department of environmental services e-permitting database, the following sums are appropriated from the identified funds to the department of environmental services for the fiscal year ending June 30, 2007:

I. \$510,000 from the oil discharge and dispose cleanup fund established in RSA 146-D:3.

II. \$100,000 from the air resources fund established in RSA 125-C:12.

The signatures below attest to the authenticity of this Report on HB 1343, an act relative to the duties of the council on resources and development.

Conferees on the Part of the Senate
Sen. Gatsas, Dist. 16
Sen. Clegg, Dist. 14
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Chandler, Carr. 1
Rep. Rausch, Rock. 5
Rep. Waterhouse, Rock. 4
Rep. Cloutier, Sull. 4

2006-2307-CofC

AMENDED ANALYSIS

This bill:

I. Requires the council on resources and development to give advice, rather than approval, prior to the disposal of state-owned lands.

II. Removes the binding effect of the council's recommendations relative to coordination of member agencies.

III. Requires the council to provide the legislature and governor and council with copies of the council's meeting minutes.

IV. Requires the New Hampshire housing finance authority to obtain the approval of the long-range capital planning and utilization committee, with advice from the council on resources and development, and final approval by the governor and council, prior to the transfer of lands under the surplus lands housing program.

V. Makes an appropriation to the department of environmental services for completing the e-permitting database from certain dedicated funds.

VI. Amends the capital appropriation to the New Hampshire veterans' home for repairs and renovations.

The question is on adoption of the Committee of Conference Report.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

The following Senators voted No: Kenney, Eaton, Bragdon.

Yeas: 21 - Nays: 3

Adopted.

May 17, 2006

2006-2289-CofC

08/09

Committee of Conference Report on HB 1373, an act 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.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1373, an act 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.

Conferees on the Part of the Senate
Sen. Johnson, Dist. 2
Sen. Gallus, Dist. 1
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. B. Williams, Graf. 8
Rep. Babson, Carr. 3
Rep. Currier, Merr. 5
Rep. Powers, Rock. 16

Adopted.

May 17, 2006
2006-2305-CofC
06/09

Committee of Conference Report on HB 1407-FN-A, an act relative to funding exotic aquatic weeds eradication and control.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1407-FN-A, an act relative to funding exotic aquatic weeds eradication and control.

Conferees on the Part of the Senate
Sen. Boyce, Dist. 4
Sen. Barnes, Dist. 17
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Currier, Merr. 5
Rep. Major, Rock. 5
Rep. Sanders, Rock. 7
Rep. Cilley, Straf. 3

Adopted.

May 16, 2006
2006-2260-CofC
06/09

Committee of Conference Report on HB 1426, an act granting a right-of-way over state-owned land.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1426, an act granting a right-of-way over state-owned land.

Conferees on the Part of the Senate
Sen. Kenney, Dist. 3
Sen. Flanders, Dist. 7
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Graham, Hills. 18
Rep. D. Campbell, Hills. 24
Rep. O'Connell, Hills. 26
Rep. Bouchard, Merr. 11

Adopted.

May 17, 2006
2006-2288-CofC
08/09

Committee of Conference Report on HB 1429, an act relative to municipal exemptions for hazardous waste cleanup liability.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1429, an act relative to municipal exemptions for hazardous waste cleanup liability.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Barnes, Dist. 17
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. B. Williams, Graf. 8
Rep. Babson, Carr. 3
Rep. Phinizy, Sull. 5
Rep. O'Neil, Rock. 15

Adopted.

May 19, 2006
2006-2347-CofC
04/10

Committee of Conference Report on HB 1459-FN-A, an act relative to the department of regional community-technical colleges and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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

2 Regional Community-Technical College System; Use of Nonlapsing Account.

I. No later than October 1, 2006, the commissioner of the department of regional community-technical colleges shall determine the amount of funds needed from the nonlapsing account established in RSA 188-F:14-c to maintain tuition at its present level for the 2006-2007 academic year. The commissioner, with the prior approval of the fiscal committee of the general court and the governor and council, is hereby authorized to use such amount from the nonlapsing account to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. Funds available in the nonlapsing account shall be used for the purposes of this paragraph prior to any other use.

II. In addition to any other authorized uses of the nonlapsing account established in RSA 188-F:14-c, the commissioner of the department of regional community-technical colleges, with the prior approval of the fiscal committee of the general court and the governor and council, may use any funds in the nonlapsing account, that are not required under paragraph I, for the construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

III. The authority granted under this section shall expire on June 30, 2007.

3 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on HB 1459-FN-A, an act relative to the department of regional community-technical colleges and making an appropriation therefor.

Conferees on the Part of the Senate
 Sen. Green, Dist. 6
 Sen. Morse, Dist. 22
 Sen. Estabrook, Dist. 21

Conferees on the Part of the House
 Rep. Weyler, Rock. 8
 Rep. E. Anderson, Merr. 13
 Rep. M. Smith, Straf. 7
 Rep. Chandler, Carr. 1

2006-2347-CofC

AMENDED ANALYSIS

This bill:

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

II. Authorizes the use of nonlapsing account funds for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

Adopted.

May 17, 2006

2006-2304-CofC

03/04

Committee of Conference Report on HB 1463-FN, an act relative to boating and water safety.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1463-FN, an act relative to boating and water safety.

Conferees on the Part of the Senate
 Sen. Letourneau, Dist. 19
 Sen. Clegg, Dist. 14
 Sen. Burling, Dist. 5

Conferees on the Part of the House
 Rep. Currier, Merr. 5
 Rep. D.L. Christensen, Hills. 19
 Rep. Russell, Belk. 6
 Rep. Brueggemann, Merr. 12

Adopted.

May 19, 2006

2006-2345-CofC

08/09

Committee of Conference Report on HB 1474-FN, an act relative to unemployment compensation contribution rates and benefits.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 4-5 with the following:

4 Membership and Compensation.

I. The voting 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.

II. The non-voting members of the commission shall be as follows:

- (a) The labor commissioner, or designee.
- (b) The commissioner of the department of employment security, or designee.
- (c) A member of the workforce opportunity council, appointed by the council.

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

5 Duties. The commission shall investigate and make recommendations regarding duplications in duties of the department of labor and the department of employment security.

The signatures below attest to the authenticity of this Report on HB 1474-FN, an act relative to unemployment compensation contribution rates and benefits.

Conferees on the Part of the Senate
 Sen. Green, Dist. 6
 Sen. Morse, Dist. 22
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
 Rep. Infantine, Hills. 13
 Rep. O'Neil, Rock. 15
 Rep. H. Richardson, Coos 2
 Rep. Goley, Hills. 8

Adopted.

May 17, 2006
2006-2309-CofC
08/09

Committee of Conference Report on HB 1491, an act establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 8:

3 Commission Established. There is established a commission to study the publicly owned treatment plant needs of New Hampshire and state laboratory water tests and fees for such tests collected by the department of environmental services.

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, including one member of the science, technology and energy committee and one member of the environment and agriculture committee.

(b) Three members of the senate, appointed by the president of the senate, including one member of the environment and wildlife committee.

(c) Two representatives from the New Hampshire department of environmental services, appointed by the commissioner of environmental services.

(d) One representative appointed by the New Hampshire Municipal Association.

(e) Two academic representatives from the university of New Hampshire at Durham with expertise in wastewater treatment, appointed by the university.

(f) One representative from the office of energy and planning, appointed by the governor.

(g) 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.

5 Duties.

I. The commission shall 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.

II. The commission shall study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services. The commission shall evaluate the need for future additions to existing laboratory tests and equipment and make recommendations for laboratory test fees and distributions to the laboratory equipment and replacement fund.

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. Six 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 30, 2007.

The signatures below attest to the authenticity of this Report on HB 1491, an act establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

Conferees on the Part of the Senate

Sen. Green, Dist. 6

Sen. Bragdon, Dist. 11

Sen. Hassan, Dist. 23

Conferees on the Part of the House

Rep. Currier, Merr. 5

Rep. M. Martin, Hills. 26

Rep. Keans, Straf. 1

Rep. Spang, Straf. 7

2006-2309-CofC

AMENDED ANALYSIS

This bill extends the reporting deadline of the Great Bay Estuary Commission and extends the first meeting deadline of the Estuary Alliance for Sewage Treatment.

This bill also establishes a commission to study the publicly owned treatment plant needs of New Hampshire and state laboratory water tests and fees for such tests collected by the department of environmental services.

Adopted.

May 16, 2006

2006-2272-CofC

06/09

Committee of Conference Report on HB 1508, an act relative to acceptance of applications by planning boards.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 design review pursuant to RSA 676:4, II(b), provided that a formal application is filed with the planning board within 12 months of the end of the design review process.***

The signatures below attest to the authenticity of this Report on HB 1508, an act relative to acceptance of applications by planning boards.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Kenney, Dist. 3
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Dowd, Rock. 5
Rep. Brundige, Hills. 19
Rep. Patten, Carr. 4
Rep. N. Johnson, Straf. 3

Adopted.

May 16, 2006
2006-2270-CofC
09/01

Committee of Conference Report on HB 1574, an act relative to membership on the public employees deferred compensation commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1574, an act relative to membership on the public employees deferred compensation commission.

Conferees on the Part of the Senate
Sen. Kenney, Dist. 3
Sen. Flanders, Dist. 7
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Bergin, Hills. 6
Rep. Dexter, Ches. 6
Rep. Houde-Quimby, Sull. 1
Rep. S. Francoeur, Rock. 15

Adopted.

May 18, 2006
2006-2326-CofC
10/09

Committee of Conference Report on HB 1590-FN, an act relative to the pari-mutuel commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1590-FN, an act relative to the pari-mutuel commission.

Conferees on the Part of the Senate
 Sen. Barnes, Dist. 17
 Sen. Gallus, Dist. 1
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
 Rep. Fitzgerald, Belk. 4
 Rep. Manney, Hills. 7
 Rep. F. Sullivan, Hills. 12
 Rep. Harding, Graf. 11

Adopted.

May 17, 2006
2006-2303-CofC
04/09

Committee of Conference Report on HB 1603-FN, an act relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1603-FN, an act relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

Conferees on the Part of the Senate
 Sen. Gallus, Dist. 1
 Sen. Johnson, Dist. 2
 Sen. Hassan, Dist. 23

Conferees on the Part of the House
 Rep. Currier, Merr. 5
 Rep. Bergin, Hills. 6
 Rep. Russell, Belk. 6
 Rep. Parkhurst, Ches. 4

Adopted.

May 18, 2006
2006-2334-CofC
08/09

Committee of Conference Report on HB 1626-FN-A, an act relative to appropriations for the expenses of certain departments of the state.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 19 with the following:

20 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on HB 1626-FN-A, an act relative to appropriations for the expenses of certain departments of the state.

Conferees on the Part of the Senate
 Sen. Morse, Dist. 22
 Sen. Green, Dist. 6
 Sen. Estabrook, Dist. 21

Conferees on the Part of the House
 Rep. Stone, Rock. 1
 Rep. R. Wheeler, Hills. 7
 Rep. King, Coos 1
 Rep. Pappas, Hills. 8

Adopted.

May 17, 2006
2006-2311-CofC
04/09

Committee of Conference Report on HB 1692-FN, an act establishing the New Hampshire sexual predators act.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 651-B:11, I as inserted by section 13 of the bill by replacing it with the following:

I. A sexual offender or offender against children shall pay a fee of \$17 at the time of the offender's initial registration and semi-annually at the time of the offender's re-registration. Of this amount, the department shall receive \$15 to be used to defray the costs of maintaining the sex offender registry. Such funds shall be nonlapsing and shall be continually appropriated to the department for such use. The municipality in which the sexual offender or offender against children registers shall keep the remaining \$2 to defray any costs associated with implementing the provisions of this paragraph.

Amend RSA 651:6, IV as inserted by section 20 of the bill by replacing it with the following:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial:

(a) There is a presumption that a person shall be sentenced to a minimum to be fixed by the court of not less than 25 years and a maximum of life imprisonment unless the court makes a determination that the goals of deterrence, rehabilitation, and punishment would not be served, based on the specific circumstances of the case, by such a sentence and the court makes specific written findings in support of the lesser sentence. Before the court can determine whether the presumption has been overcome, the court shall consider, but is not limited to, the following factors:

- (1) Age of victim at time of offense.
- (2) Age of the defendant at the time of the offense.
- (3) Relationship between defendant and victim.
- (4) Injuries to victim.
- (5) Use of force, fear, threats, or coercion to the victim or another.
- (6) Length of time defendant offended against victim.
- (7) Number of times defendant offended against victim.
- (8) Number of other victims.
- (9) Acceptance of responsibility by defendant.
- (10) Defendant's criminal history.
- (11) Use of a weapon.
- (12) Medical or psychological condition of the victim at the time of the assault.

(b) The sentence shall also include, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any of the conditions of lifetime supervision shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the offender's release from incarceration, parole, or probation. A defendant who is sentenced to lifetime supervision pursuant to this paragraph shall not be eligible for release from the lifetime supervision pursuant to RSA 632-A:10-a, V(b).

(c) Any decision by the superior court under paragraph (a) may be reviewed by the sentence review division of the superior court at the request of the defendant or at the request of the state pursuant to RSA 651:58.

Amend RSA 135-E:10 as inserted by section 21 of the bill by replacing it with the following:

135-E:10 Rules of Procedure and Evidence. In all civil commitment proceedings for sexually violent predators under this chapter:

I. The rules of evidence, the doctor-patient privilege under RSA 329:26, privileged communications pursuant to RSA 330-A:32, or other similar statutes or rules shall not apply in proceedings under this chapter.

II. The court may consider evidence of the person's prior conduct if such evidence is relevant to the issue of whether the person is a sexually violent predator.

III. Reports by a member of the multidisciplinary team or reports provided on behalf of the multidisciplinary team shall be inadmissible in proceedings under this chapter unless the court finds the report's probative value substantially outweighs its prejudicial effect.

IV. Notwithstanding the general inapplicability of the rules of evidence, hearsay evidence is not admissible unless it falls within one of the recognized exceptions to the hearsay rule or unless the court finds that the hearsay evidence contains circumstantial guarantees of trustworthiness and

the declarant is unavailable to testify at the civil commitment proceedings. Hearsay evidence shall not be used as the sole basis for committing a person under this chapter.

The signatures below attest to the authenticity of this Report on HB 1692-FN, an act establishing the New Hampshire sexual predators act.

Conferees on the Part of the Senate
Sen. Gatsas, Dist. 16
Sen. Clegg, Dist. 14
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. Dowling, Rock. 5
Rep. Tholl, Coos 2
Rep. Welch, Rock. 8
Rep. Knowles, Straf. 6

The question is on adoption of the Committee of Conference Report.

A roll call was requested by Senator Estabrook.

Seconded by Senator Larsen.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

**May 19, 2006
2006-2349-CofC
05/10**

Committee of Conference Report on HB 1697-FN, an act relative to certain state salaries.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 12 with the following:

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

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

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

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

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

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

Amend the bill by replacing sections 15 and 16 with the following:

15 Appropriation. The sum of \$171,204 is hereby appropriated to the department of safety, for the fiscal year ending June 30, 2007, to support the establishment of the position of director of homeland security and emergency management. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated. Such amount shall be in addition to any other funds appropriated to the department and shall be expended as follows:

Salary, director of homeland security and emergency management	\$94,584
Current expense	1,500
Equipment	30,000
Benefits	41,620
In-state travel	2,500
Out-of-state travel	1,000

16 New Paragraph; Classified Employees; Reclassification of Positions or Increases; Appeal to Joint Committee on Employee Classification. Amend RSA 21-I:56 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, any commissioner of a state agency may appeal a reclassification decision to the joint committee on employee classification, established in RSA 14:14-c, which shall have final authority over such decision.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-19 to read as sections 22-24, respectively:

17 New Section; Joint Committee on Employee Classification. Amend RSA 14 by inserting after section 14-b the following new section:

14:14-c Joint Committee on Employee Classification.

I. There is hereby established a joint committee on employee classification.

II. The committee shall consist of 3 members of the senate, appointed by the senate president, one of whom shall be a member of the senate finance committee, and 3 members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the house finance committee and 2 of whom shall be members of the house committee on executive departments and administration. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy. The chairperson shall be elected by the committee members and shall rotate annually between the house and senate members, provided that a house member shall serve as the first chairperson.

III. Relative to unclassified employees:

(a) The committee shall, while the general court is in session and during the interim, review the provisions of RSA 94, including the salaries listed in RSA 94:1-a, I and shall recommend changes to salaries, position titles, or other matters related to the compensation of state officers.

(b) The committee shall establish procedures to review the allocation decisions submitted to it by the acting directors or administrative heads of state agencies or departments under RSA 94:1-d and shall set a temporary letter grade allocation for each position referred. The committee shall propose legislation recommending permanent salary levels for each position for introduction in the next regular session of the general court.

IV. Relative to classified employees, the committee shall establish procedures to hear appeals submitted by any commissioner or department head regarding reclassification decisions made by the director of personnel pursuant to RSA 21-I:54, III, and the committee's decision in such matters shall be final.

18 Compensation of State Officers; Allocation Decisions. Amend RSA 94:1-d to read as follows:

94:1-d Allocation Decisions. Each acting director or administrative head of any state agency or department shall submit his ~~[decision]~~ **or her recommendation** relative to appropriate letter grades for any new position, vacancy, upgrade or downgrade occurring in ~~[his]~~ **the** agency or department to the ~~[fiscal]~~ **commissioner of administrative services. The commissioner shall submit the recommendation to an outside consultant retained for the purpose of assessing the appropriate letter grade of unclassified state officers. The consultant shall assess the recommended allocation, recommend an alternate allocation, if necessary, and include the reasoning for such allocation in its report. The commissioner shall submit the consultant's report to the joint** committee~~[-]~~ established in RSA ~~[14:30-a]~~ **14:14-c**, for its review and temporary letter grade allocation.

19 Salary Adjustment; Joint Committee on Employee Classification. Amend RSA 94:3-b to read as follows:

94:3-b Salary Adjustment for Recruitment or Retention. Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority submitted to the commissioner of administrative services for review and evaluation and upon approval by the ~~[fiscal committee of the general court]~~ **joint committee on employee classification**, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

20 New Section; Office of Legislative Services; Drafting Salary Legislation. Amend RSA 17-A by inserting after section 6 the following new section:

17-A:7 Legislation Relating to Unclassified State Officers. Legislation establishing a new, upgraded, or downgraded state unclassified officer position under RSA 94 shall to the extent practicable, be drafted by the office of legislative services without a recommended salary allocation. Changes to the salaries of unclassified officers listed in RSA 94:1-a, I shall be adopted in legislation reflecting the review and allocation approval by the joint committee on employee classification pursuant to the procedure in RSA 94:1-d and RSA 14:14-c.

21 Repeal. RSA 14:30-a, IV, relative to review by the fiscal committee of allocation decisions, is repealed.

The signatures below attest to the authenticity of this Report on HB 1697-FN, an act relative to certain state salaries.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Clegg, Dist. 14
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. R Wheeler, Hills. 7
Rep. Stone, Rock. 1
Rep. Franklin, Sull. 2
Rep. Bergin, Hills. 6

2006-2349-CofC

AMENDED ANALYSIS

This bill:

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

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

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

IV. Directs the commissioner of administrative services to retain a consultant to study the unclassified salary schedule.

V. Establishes the joint committee on employee classification and authorizes the committee to make the final decision regarding reclassification of certain state employees.

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

Adopted.

May 19, 2006

2006-2368-CofC

01/09

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

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

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

Conferees on the Part of the Senate

Sen. Morse, Dist. 22

Sen. Gatsas, Dist. 16

Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House

Rep. Hager, Merr. 12

Rep. Wendelboe, Belk. 1

Rep. Nordgren, Graf. 9

Rep. Mackay, Merr. 11

Adopted.

May 17, 2006

2006-2313-CofC

05/10

Committee of Conference Report on HB 1720-FN, an act relative to notice of parent liability in CHINS proceedings.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 169-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A petition alleging a child is in need of services may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. ***The following notice shall be printed***

on the front of the petition in bold red ink in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as section 6:

4 Delinquent Children; Petition; Notice of Liability. Amend RSA 169-B:6, I to read as follows:

I. Any person may file a petition, alleging the delinquency of a minor, with a judge or clerk of the court in the judicial district in which the minor is found or resides or where the offense is alleged to have occurred. The petition shall be in writing and verified under oath. ***The following notice shall be printed on the front of the petition in bold red ink in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.***

5 Delinquent Children; Summons; Notice of Liability. Amend RSA 169-B:7, III to read as follows:

III. The summons shall contain a notice of the right to representation by counsel and the available procedures for obtaining counsel. The summons shall also state as follows: "***Pursuant to RSA 169-B:40***, parents and other individuals chargeable by law for the minor's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants minors and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

The signatures below attest to the authenticity of this Report on HB 1720-FN, an act relative to notice of parent liability in CHINS proceedings.

Conferees on the Part of the Senate
Sen. Letourneau, Dist. 19
Sen. Roberge, Dist. 9
Sen. Foster, Dist. 13

Conferees on the Part of the House
Rep. Bickford, Straf. 3
Rep. Foote, Ches. 6
Rep. Flockhart, Rock. 13
Rep. Walz, Merr. 13

2006-2278-CofC

AMENDED ANALYSIS

This bill establishes additional notice requirements relative to potential liability in delinquency and CHINS proceedings. The bill also requires the court, in CHINS proceedings, to provide both parents, as well as any other person who may be liable for expenses incurred on behalf of the child, with a copy of the CHINS petition and notice of liability.

Adopted.

May 17, 2006

2283-CofC

09/01

Committee of Conference Report on HB 1724-FN, an act relative to compensation and benefits for reserve and national guard members who are state employees.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1724-FN, an act relative to compensation and benefits for reserve and national guard members who are state employees.

Conferees on the Part of the Senate
Sen. Barnes, Dist. 17
Sen. Kenney, Dist. 3
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Stone, Rock. 1
Rep. R. Wheeler, Hills. 7
Rep. Graham, Hills. 18
Rep. Franklin, Sull. 2

Adopted.

May 18, 2006
2006-2315-CofC
08/09

Committee of Conference Report on HB 1744-FN-A, an act authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 287-D:2-a, II(c) as inserted by section 8 of the bill by replacing it with the following:

(c) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

Amend RSA 287-D:2-a, IV as inserted by section 8 of the bill by replacing it with the following:

IV. Applications shall be received by the ~~[chief of police and attorney general]~~ ***pari-mutuel commission*** 60 days ~~[prior to]~~ ***before*** the first game date of ~~[each month]~~ ***the year***. This requirement may be waived by the ~~[attorney general]~~ ***pari-mutuel commission*** for good cause shown.

Amend RSA 287-D:2-a, VII(e) as inserted by section 8 of the bill by replacing it with the following:

(e) Maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the charitable organization in which the money from games of chance shall be deposited and withdrawn.

Amend RSA 287-D:2-b, VIII as inserted by section 10 of the bill by replacing it with the following:

VIII. The charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500, game operator fees, and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

Amend RSA 287-D:2-b, XI as inserted by section 10 of the bill by replacing it with the following:

XI. For games of chance where chips have no monetary face value, the charitable organization may offer any number of games per licensed event in which each player may spend up to \$150 per game including buy-ins and re-buys.

XII. Notwithstanding paragraph XI, the charitable organization may offer one game per licensed event in which each player may spend up to \$250 for the game including buy-ins and re-buys.

XIII. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

Amend RSA 287-D:2-c, IV as inserted by section 11 of the bill by replacing it with the following:

IV. Applications shall be received by the pari-mutuel commission at least 60 days before the first game date of the year. The requirement may be waived by the pari-mutuel commission for good cause shown.

Amend RSA 287-D:3, VIII as inserted by section 12 of the bill by replacing it with the following:

VIII. The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose.

Amend the bill by replacing section 17 with the following:

17 Effective Date. This act shall take effect 30 days after its passage.

The signatures below attest to the authenticity of this Report on HB 1744-FN-A, an act authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

Conferees on the Part of the Senate
Sen. Martel, Dist. 18
Sen. Odell, Dist. 8
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Fitzgerald, Belk. 4
Rep. Manney, Hills. 7
Rep. F Sullivan, Hills. 12
Rep. Velez, Hills. 12

Adopted.

May 19, 2006
2006-2370-CofC
06/09

Committee of Conference Report on HB 1752, an act requiring notice regarding the classifications of employee and independent contractor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 New Paragraphs; Independent Contractor. Amend RSA 275:4 by inserting after paragraph II the following new paragraphs:

III. The factors set forth in subparagraphs II(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs II(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

IV. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may be established by a written agreement, as set forth below, when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs II(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor
VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent
Contractor: _____

Federal Employer Tax ID. #
Or Social Security Number: _____

Brief Description of
Service(s) you are Providing: _____

Service(s) Are Being Provided
To: Name and Address Of
Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer."

V. Copies of the agreement in paragraph IV shall be filled out in triplicate; one copy shall be filed with the department of labor, one copy shall be retained by the contractor, and one copy shall be retained by the business entity.

VI. Proceedings and records of the department of labor with respect to agreements filed pursuant to paragraph V shall be exempt from RSA 91-A. Nothing in this section shall prohibit the department of labor from releasing information to the parties to the agreement, their legal representatives, attorneys, health care providers, or workers' compensation insurers, the attorneys for the parties' insurers, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a filed agreement may not be released to any other person or entity without the prior written permission of a party to the agreement.

Amend the bill by replacing section 5 with the following:

5 New Paragraphs; Independent Contractor. Amend RSA 275:42 by inserting after paragraph II the following new paragraphs:

II-a. The factors set forth in subparagraphs II(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs II(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

II-b. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs II(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs II(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor
VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of
Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.

(e) I am in business for myself.

(f) The success or failure of my business depends upon the relationship of receipts to expenditures.

(g) I have continuing or recurring business liabilities or obligations.

(h) I am responsible for the expenses related to the service or work performed.

(i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.

(j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.

(k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer."

II-c. Copies of the agreement in paragraph II-b shall be filled out in triplicate; one copy shall be filed with the department of labor, one copy shall be retained by the contractor, and one copy shall be retained by the business entity.

II-d. Proceedings and records of the department of labor with respect to agreements filed pursuant to paragraph II-c shall be exempt from RSA 91-A. Nothing in this section shall prohibit the department of labor from releasing information to the parties to the agreement, their legal representatives, attorneys, health care providers, or workers' compensation insurers, the attorneys for the parties' insurers, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a filed agreement may not be released to any other person or entity without the prior written permission of a party to the agreement.

Amend the bill by replacing section 7 with the following:

7 New Paragraphs; Independent Contractor. Amend RSA 275-E:1 by inserting after paragraph I the following new paragraphs:

I-a. The factors set forth in subparagraphs I(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs I(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

I-b. Prima facie evidence that the criteria prescribed in subparagraphs I(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs I(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs I(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor
VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of
Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.

(k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer."

I-c. Copies of the agreement in paragraph I-b shall be filled out in triplicate; one copy shall be filed with the department of labor, one copy shall be retained by the contractor, and one copy shall be retained by the business entity.

I-d. Proceedings and records of the department of labor with respect to agreements filed pursuant to paragraph I-c shall be exempt from RSA 91-A. Nothing in this section shall prohibit the department of labor from releasing information to the parties to the agreement, their legal representatives, attorneys, health care providers, or workers' compensation insurers, the attorneys for the parties' insurers, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a filed agreement may not be released to any other person or entity without the prior written permission of a party to the agreement.

Amend the bill by replacing section 9 with the following:

9 New Paragraphs; Independent Contractor. Amend RSA 279:1 by inserting after paragraph X the following new paragraphs:

X-a. The factors set forth in subparagraphs X(a)-(k) shall be considered on a case by case basis, weighing all of the incidents of a given relationship and no one factor shall be outcome determinative. The greater the number of criteria in subparagraphs X(a)-(k) that exist in a given case, the more likely the individual will be deemed an independent contractor.

X-b. Prima facie evidence that the criteria prescribed in subparagraphs X(a)-(k) have been met may be established by a written agreement, as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed

and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs X(a)-(e). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs X(a)-(k) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor
VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

Service(s) Are Being Provided

To: Name and Address Of
Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor

Signature of Business/Entity

Print Name of Independent Contractor

Print Name of Business/Entity

Date Fed ID # or Soc. Sec. #

Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer."

X-c. Copies of the agreement in paragraph X-b shall be filled out in triplicate; one copy shall be filed with the department of labor, one copy shall be retained by the contractor, and one copy shall be retained by the business entity.

X-d. Proceedings and records of the department of labor with respect to agreements filed pursuant to paragraph X-c shall be exempt from RSA 91-A. Nothing in this section shall prohibit the department of labor from releasing information to the parties to the agreement, their legal representatives, attorneys, health care providers, or workers' compensation insurers, the attorney for the parties' insurers, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a filed agreement may not be released to any other person or entity without the prior written permission of a party to the agreement.

Amend the bill by replacing section 11 with the following:

11 Workers' Compensation; Definition of Employee; Reference Changed. RSA 281-A:2, VI(c) is repealed and reenacted to read as follows:

(c)(1) Prima facie evidence that the criteria prescribed in RSA 281-A:2, VI(b)(1)(A)(i)-(xi) have been met may be established by a written agreement as set forth below when signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with at least 7 of the criteria, 5 of which shall be subparagraphs VI(b)(1)(A)(i)-(v). Nothing in this paragraph shall require such an agreement to establish that the criteria have been met. Prima facie evidence that the criteria prescribed in subparagraphs VI(b)(1)(A)(i)-(xi) have been met may also be established by a person's representations about his or her self-employed status to the United States Internal Revenue Service or other local, state, or federal agencies. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer. All funds collected under this paragraph shall be paid over to the state treasury for deposit into the general fund.

State of New Hampshire Department of Labor
VERIFICATION OF INDEPENDENT CONTRACTOR STATUS

To Be Completed By Independent Contractor At Time of Agreement to Provide Services

Name of Independent

Contractor: _____

Federal Employer Tax ID. #

Or Social Security Number: _____

Brief Description of

Service(s) you are Providing: _____

To: Name and Address Of

Business/Entity _____

Check all statements that describe your agreement with the business or entity to whom you are providing services:

- (a) I have a federal employer tax identification number or social security number as listed above.
- (b) I have control and discretion over the means and manner of performance and I am not directed or supervised by the business or entity.
- (c) The time of performance is not dictated to me; or the business or entity and I have reached an agreement as to some or all of the following: completion schedules, range of work hours, maximum number of hours to be worked, and in the case of entertainment, the time such entertainment is to be provided.
- (d) I hire and pay assistants, if any, and supervise the details of the assistants' work, if those assistants are my employees.
- (e) I am in business for myself.
- (f) The success or failure of my business depends upon the relationship of receipts to expenditures.
- (g) I have continuing or recurring business liabilities or obligations.
- (h) I am responsible for the expenses related to the service or work performed.
- (i) I am responsible for the satisfactory completion of the work and may be contractually responsible for failure to complete the work.
- (j) I supply the principal tools/equipment used in the work, with the exception of tools/equipment that are unique to the business or entity's special requirements or are located on the business or entity's premises/work site.
- (k) I am free to perform services for other businesses/individuals.

IF AT LEAST 7 OF THE LISTED CRITERIA, (5 OF WHICH MUST BE (a)-(e)) ARE CHECKED, PLEASE CONTINUE FILLING OUT THIS FORM.

IF NOT, YOU ARE NOT PROPERLY CLASSIFIED AS AN INDEPENDENT CONTRACTOR.

I certify that I have completed this verification of independent contractor form knowingly and voluntarily and without duress or undue influence. I further certify as follows:

I understand that I am an independent contractor and not an employee of _____ (print name of business or entity). I understand that I am responsible to pay applicable state and federal taxes related to the payments I receive for the services provided hereunder.

I understand that as an independent contractor, I may be responsible for purchasing my own workers' compensation insurance policy. As an independent contractor I am not eligible to receive workers' compensation insurance coverage or benefits from _____ (print name of business or entity) or their workers' compensation insurance carrier.

I understand that as an independent contractor I am not an "employee" as defined under RSA 275:4, II; RSA 275:42, II; RSA 275-E:1, I; RSA 279:1, X; or RSA 281-A:2, VI(b)(1) and therefore I am not protected by/covered under state laws regarding procuring of employment, imposition of conditions, the payment of wages, minimum wage and overtime, whistleblowers' protection, or workers' compensation.

I hereby swear and acknowledge that the statements and representations made in this verification of independent contractor status are true and accurate and have been made by me knowingly and voluntarily and without duress or undue influence.

Signature of Independent Contractor_____
Signature of Business/Entity_____
Print Name of Independent Contractor_____
Print Name of Business/Entity_____
Date Fed ID # or Soc. Sec. #_____
Date Fed ID # or Soc. Sec. #

In accordance with New Hampshire law: "If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of at least \$1,000 but not more than \$2,500 on the employer."

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 13:

12 New Subparagraphs; Workers' Compensation; Definition of Employee. Amend RSA 281-A:2, VI by inserting after subparagraph (c)(1) the following new subparagraphs:

(2) Copies of the agreement in paragraph VI(c)(1) shall be filled out in triplicate; one copy shall be filed with the department of labor, one copy shall be retained by the contractor, and one copy shall be retained by the business entity.

(3) Proceedings and records of the department of labor with respect to agreements filed pursuant to subparagraph (2) shall be exempt from RSA 91-A. Nothing in this section shall prohibit the department of labor from releasing information to the parties to the agreement, their legal representatives, attorneys, health care providers, or workers' compensation insurers, the attorneys for the parties' insurers, or state and federal agencies with relevant jurisdiction. Notwithstanding the provisions of this section, information relating to a filed agreement may not be released to any other person or entity without the prior written permission of a party to the agreement.

The signatures below attest to the authenticity of this Report on HB 1752, an act requiring notice regarding the classifications of employee and independent contractor.

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Barnes, Dist. 17
Sen. Gatsas, Dist. 16

Conferees on the Part of the House
Rep. Infantine, Hills. 13
Rep. O'Neil, Rock. 15
Rep. Adams, Hills. 2
Rep. H. Richardson, Coos 2

2006-2370-CofC

AMENDED ANALYSIS

This bill requires that information about the classification of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice in every place of employment.

The question is on adoption of the Committee of Conference Report.

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, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 16 - Nays: 8

Adopted.

This bill creates a uniform definition of employee and clarifies the criteria for exempting a worker from employee status.

Adopted.

May 16, 2006

2006-2267-CofC

03/10

Committee of Conference Report on HB 1758, an act classifying biodiesel as a renewable energy source.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 72:74, II as inserted by section 6 of the bill by replacing it with the following:

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. Payments made pursuant to 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.

The signatures below attest to the authenticity of this Report on HB 1758, an act classifying biodiesel as a renewable energy source.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Letourneau, Dist. 19
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Maxfield, Merr. 6
Rep. Slocum, Hills. 6
Rep. Kaen, Straf. 7
Rep. Stohl, Coos 1

Adopted.

May 18, 2006
2006-2341-CofC
05/03

Committee of Conference Report on HB 1761, an act relative to hold over tenants in vacation or recreational rental units.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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]~~, **such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work.**

~~[(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 **lobbying** 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]~~, **such as public advocacy, government relations, or public relations services including research, monitoring legislation, and related legal work**, 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.

The signatures below attest to the authenticity of this Report on HB 1761, an act relative to hold over tenants in vacation or recreational rental units.

Conferees on the Part of the Senate
 Sen. Clegg, Dist. 14
 Sen. Roberge, Dist. 9
 Sen. Gottesman, Dist. 12

Conferees on the Part of the House
 Rep. Whalley, Belk. 5
 Rep. Dokmo, Hills. 6
 Rep. O'Brien, Hills. 4
 Rep. Lasky, Hills. 26

2006-2341-CofC

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 directly or indirectly related to lobbying.

Adopted.

May 19, 2006

2006-2364-CofC

05/09

Committee of Conference Report on HB 1767-FN-A, an act 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.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 228:31, 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 signatures below attest to the authenticity of this Report on HB 1767-FN-A, an act 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.

Conferees on the Part of the Senate
 Sen. Odell, Dist. 8
 Sen. Morse, Dist. 22
 Sen. Burling, Dist. 5

Conferees on the Part of the House
 Rep. R. Wheeler, Hills. 7
 Rep. Stone, Rock. 1
 Rep. King, Coos 1
 Rep. D. Eaton, Ches. 2

Adopted.

May 15, 2006
2006-2250-CofC
08/09

Committee of Conference Report on SB 140, an act relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 140, an act relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

Conferees on the Part of the Senate
Sen. Johnson, Dist. 2
Sen. Gallus, Dist. 1
Sen. Burling, Dist. 5

Conferees on the Part of the House
Rep. Currier, Merr. 5
Rep. C. Christiansen, Hills. 19
Rep. Spang, Straf. 7
Rep. Sanders, Rock. 7

Adopted.

May 15, 2006
2006-2246-CofC
01/09

Committee of Conference Report on SB 250, an act relative to lead paint poisoning prevention.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 130-A:7, V as inserted by section 4 of the bill by replacing it with the following:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or enclose the lead exposure hazards or remove the dwelling or dwelling unit from the rental market.

The signatures below attest to the authenticity of this Report on SB 250, an act relative to lead paint poisoning prevention.

Conferees on the Part of the Senate
Sen. Martel, Dist. 18
Sen. Eaton, Dist. 10
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Babson, Carr. 3
Rep. Olimpio, Carr. 5
Rep. Tobin, Belk. 2
Rep. Essex, Hills. 1

Adopted.

May 16, 2006
2006-2257-CofC
01/09

Committee of Conference Report on SB 287-FN, an act making certain changes to the eminent domain statute.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 162-K:2, IX-a(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 203:3, XIV(a)(3) as inserted by section 3 of the bill by replacing it with the following:

(3) The acquisition of real property to remove slums, as defined in RSA 203:3, VIII, structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 205:3-b, I(c) as inserted by section 9 of the bill by replacing it with the following:

(c) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 498-A:2, VII(a)(3) as inserted by section 11 of the bill by replacing it with the following:

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend the bill by replacing all after section 27 with the following:

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

The signatures below attest to the authenticity of this Report on SB 287FN, an act making certain changes to the eminent domain statute.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Letourneau, Dist. 19
Sen. Gottesman, Dist. 12

Conferees on the Part of the House
Rep. Mooney, Hills. 19
Rep. Dokmo, Hills. 6
Rep. Buxton, Rock. 10
Rep. Shurtleff, Merr. 10

2006-2257-CofC

AMENDED ANALYSIS

This bill defines the term "public use" for purposes of taking by eminent domain.

Adopted.

May 16, 2006

2006-2269-CofC

05/04

Committee of Conference Report on SB 336, an act relative to security deposits in landlord tenant matters.
Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

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

The signatures below attest to the authenticity of this Report on SB 336, an act relative to security deposits in landlord tenant matters.

Conferees on the Part of the Senate
Sen. Gallus, Dist. 1
Sen. Martel, Dist. 18
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Sorg, Graf. 3
Rep. Hunt, Ches. 7
Rep. Buxton, Rock. 10
Rep. Shurtleff, Merr. 10

Adopted.

May 16, 2006
2006-2261-CofC
10/05

Committee of Conference Report on SB 352-FN, an act relative to the regulation of real estate appraisers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 352-FN, an act relative to the regulation of real estate appraisers.

Conferees on the Part of the Senate
Sen. Gallus, Dist. 1
Sen. Letourneau, Dist. 19
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Dexter, Ches. 6
Rep. Hawkins, Hills. 18
Rep. Irwin, Hills. 3
Rep. P. McMahon, Merr. 3

Adopted.

May 16, 2006
2006-2264-CofC
10/03

Committee of Conference Report on SB 358-FN, an act relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

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

The signatures below attest to the authenticity of this Report on SB 358-FN, an act relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

Conferees on the Part of the Senate
Sen. Martel, Dist. 18
Sen. Kenney, Dist. 3
Sen. Fuller Clark, Dist. 24

Conferees on the Part of the House
Rep. Dalrymple, Rock. 4
Rep. Millham, Belk. 5
Rep. Houde-Quimby, Sull. 1
Rep. Irwin, Hills. 3

Adopted.

May 17, 2006
2006-2300-CofC
10/05

Committee of Conference Report on SB 359-FN, an act relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 12 the following and renumbering the original sections 13- 20 to read as 14-21, respectively:

13 Disciplinary Action; Criminal Offenses. Amend RSA 329-A:12, II(b) to read as follows:

(b) Conviction of a felony or ~~[any offense involving moral turpitude]~~ ***any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;***

Amend RSA 329-A:16, II as inserted by section 18 of the bill by replacing it with the following:

II. The board shall refer all allegations of violations specified in RSA 329-A:18 to the New Hampshire attorney general and to the county attorney in the appropriate county. The county attorney shall investigate such allegations and take appropriate action if the attorney general does not do so.

The signatures below attest to the authenticity of this Report on SB 359-FN, an act relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

Conferees on the Part of the Senate
Sen. Kenney, Dist. 3
Sen. Roberge, Dist. 9
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Ryder, Hills. 5
Rep. Coburn, Rock. 4
Rep. Pilotte, Hills. 16
Rep. F. Sullivan, Hills. 12

Adopted.

**May 16, 2006
2006-2265-CofC
06/09**

Committee of Conference Report on SB 371-FN, an act relative to the continuation of certain wetlands fees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Extension of Fee for Excavating and Dredging Permits. Amend 2003, 224:8, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~[2006]~~ **2010**.

Amend the bill by replacing section 2 with the following:

2 Report Required. The wetlands bureau, department of environmental services shall make reports available upon request to the legislature and the appropriate policy committees relative to the permitting process. The report shall include the following categories: minimum impact, minor impact, major impact, and shoreline structures. In each such category, the report shall include:

I. Number of applications received.

II. Associated fees.

III. Applications waiting for review.

IV. Average number of days required to issue permits.

The signatures below attest to the authenticity of this Report on SB 371-FN, an act relative to the continuation of certain wetlands fees.

Conferees on the Part of the Senate
Sen. Gallus, Dist. 1
Sen. Green, Dist. 6
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Camm, Rock. 8
Rep. Lund, Rock. 5
Rep. Carson, Rock. 3
Rep. Almy, Graf. 11

2006-2265-CofC

AMENDED ANALYSIS

This bill extends the current fee for an excavating and dredging permit until July 1, 2010.

This bill requires the wetlands bureau, department of environmental services to make a report on the permitting process available to the legislature.

Adopted.

May 18, 2006

2006-2346-CofC

05/03

Committee of Conference Report on SB 374-FN, an act relative to the state children's health insurance program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Department of Health and Human Services; Healthy Kids Silver Program; Fiscal Committee Approval Required for Expenditures Above Budgeted Amounts. Amend 2005, 117:119 to read as follows:

177:119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium ~~[beginning July 1, 2005 and continuing thereafter]~~ **ending June 30, 2007**, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval ~~[and additional appropriations from]~~ **of the fiscal committee of the general court. If expenditures for the Healthy Kids Silver Program will exceed the department's current appropriation for the Healthy Kids Silver Program, the commissioner may recommend that savings found elsewhere in the department be used to offset the amount of any such deficit. The commissioner shall submit to the fiscal committee of the general court and to the finance committees of the house and the senate any such proposed changes, which shall be subject to the prior approval of the fiscal committee of the general court.**

Amend the bill by replacing section 4 with the following:

4 Healthy Kids Corporation. Notwithstanding RSA 126-A:5, XIV, as inserted by section 3 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of \$100,000 for fiscal year 2006.

The signatures below attest to the authenticity of this Report on SB 374-FN, an act relative to the state children's health insurance program.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Barnes, Dist. 17
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Stepanek, Hills. 6
Rep. Hunt, Ches. 7
Rep. S. Scamman, Rock. 13
Rep. DeStefano, Merr. 13

Adopted.

May 16, 2006

2006-2281-CofC

09/01

Committee of Conference Report on SB 388, an act relative to farm composting and pesticides.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 388, an act relative to farm composting and pesticides.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Johnson, Dist. 2
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. O'Connell, Hills. 6
Rep. Babson, Carr. 3
Rep. Sawyer, Ches. 2
Rep. Essex, Hills. 1

Adopted.

May 18, 2006

2006-2367-CofC

03/04

Committee of Conference Report on SB 403, an act relative to verification of identity when a person registers or attempts to vote.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Paragraphs; Determining Qualifications of Applicant; Identity; Verification. Amend RSA 654:12 by inserting after paragraph II the following new paragraphs:

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or completion of the affidavit to be completed by a challenged voter. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

IV. Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was pre-

sented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

2 Obtaining a Ballot; Verification of Age. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the *paper* checklist **and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction.** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

3 Effective Date. This act shall take effect September 1, 2006.

The signatures below attest to the authenticity of this Report on SB 403, an act relative to verification of identity when a person registers or attempts to vote.

Conferees on the Part of the Senate
Sen. Green, Dist. 6
Sen. Barnes, Dist. 17
Sen. Gatsas, Dist. 16

Conferees on the Part of the House
Rep. Whalley, Belk. 5
Rep. Drisko, Hills. 5
Rep. Boehm, Hills. 27
Rep. O'Neil, Rock. 15

2006-2367-CofC

AMENDED ANALYSIS

This bill:

I. Requires proof of identity by persons registering to vote and modifies certain procedures for voter registration applications.

II. Requires supervisors of the checklist to include election day changes of address in the centralized voter registration database.

The question is on adoption of the Committee of Conference Report.

A roll call was requested by Senator Clegg.

Seconded by Senator Bragdon.

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, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 16 - Nays: 8

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

SB 250, relative to lead paint poisoning prevention.

SB 287-FN, making certain changes to the eminent domain statute.

SB 336, relative to security deposits in landlord tenant matters.

SB 352-FN, relative to the regulation of real estate appraisers.

SB 358-FN, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

SB 371-FN, relative to the continuation of certain wetlands fees.

SB 374-FN, relative to the state children's health insurance program.

SB 388, relative to farm composting and pesticides.

SB 403, relative to verification of identity when a person registers or attempts to vote.

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 385, establishing a commission to study certain issues related to health and human services.

HB 592, relative to minimum support orders.

HB 627-FN, relative to extended jurisdiction over certain 17 year old offenders.

HB 645-FN, relative to reduced cigarette ignition propensity.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

HB 1113, 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."

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions

HB 1192, relative to property and casualty insurance.

HB 1206, relative to the assessing standards board, and the approval of appraisal contracts.

HB 1223-FN, relative to the use of real estate brokers by the department of transportation.

HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer

HB 1241-FN-L, extending the kindergarten construction aid program.

HB 1265, extending the final report date of the commission to study the relationship between public health and the environment.

HB 1274, relative to certain disclosures to the department of health and human services.

HB 1285, relative to adoption.

HB 1295, relative to notice brake shift interlock and key positions by automobile dealers to consumers.

HB 1305-L, authorizing municipalities to adopt regulations relative to businesses obtaining municipal permits.

HB 1337, establishing the amusement ride safety advisory board.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings.

HB 1427, relative to guiding principles for developmentally disabled services.

HB 1435, relative to the emergency plan for service animals and establishing a commission to study the evacuation and housing of animals during an emergency.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement and relative to the medical/vision advisory board.

HB 1470, relative to overweight vehicle permit fees.

HB 1567, relative to removing names from the checklist.

HB 1583, relative to grounds for modification of parental rights and responsibilities.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing.

HB 1624-FN, relative to boat noise.

HB 1625, establishing penalties for guardians ad litem who fail to file reports.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements.

HB 1662-FN, establishing the crime of peonage.

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine.

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

HB 1679-FN-L, relative to the property tax exemption for university system property.

HB 1711-FN, relative to the regulation of fuel gas fitters.

HB 1718-FN, requiring a written disclosure statement be provided to prospective nursing home facility clients.

HB 1735-FN, relative to awarding the state employees' health insurance plan.

HB 2006, relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of NH 101, a bridge crossing the Merrimack, and establishing a study committee.

SB 190-L, establishing a committee to study affordable housing in New Hampshire.

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

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

SB 269, ratifying all actions from the 1996 Seabrook annual town meeting, pertaining to the adoption of article 3, through September 12, 2006.

SB 281-FN, establishing an organ and tissue donor registry.

SB 283-FN, relative to stop loss insurance.

SB 294-FN-A, authorizing 7 additional state troopers and making an appropriation therefor.

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax.

SB 305-FN, relative to the regulation of recreational therapists.

SB 319, establishing a task force to study county government, and relative to prohibiting filing with the registry of deeds a document that includes an individual's social security number or financial information.

SB 327, establishing the New Hampshire civil war cannon restoration fund.

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft.

SB 341, relative to the applicability of OBD II testing requirements.

SB 382, relative to the guardian ad litem board.

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

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 716-FN, relative to securities regulation.

HB 1458-FN, relative to the regulation of landscape architects.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF).

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board.

HB 1546, relative to patient information.

HB 1585, relative to enforcement of orders regarding parenting plans.

HB 1660-FN, regulating identity theft.

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.

SB 178, designating a certain highway the Gold Star Mothers Highway.

SB 282-FN-L, relative to removal of abandoned vehicles.

Senator D'Allesandro moved adoption.

Adopted.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

ANNOUNCEMENTS

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.