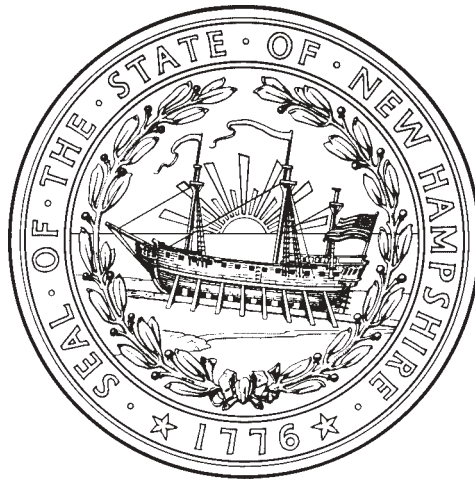


February 23, 2006
Nos. 5 - 6

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 16, 2006 SESSION
COMMENCEMENT – FEBRUARY 23, 2006 SESSION

SENATE JOURNAL 5 (*Cont.*)

February 16, 2006

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.

HB 656-FN, 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.

HB 1108, relative to the transfer of funds among PAUs within a department.

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing.

HB 1125, relative to the filing period for candidates at the presidential primary.

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment.

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

HB 1152, naming a certain bridge over the Merrimack River.

HB 1153, establishing a commission to study the laws and rules relating to subpoenas, summonses and complaints.

HB 1154-FN, relative to eligibility for special number plates for veterans.

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail.

HB 1162, relative to village districts.

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

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

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

HB 1221-FN, relative to recovery of medical assistance.

HB 1222-FN, relative to unlawful voting.

HB 1225-FN-A, relative to the judicial branch family division for the Henniker and Hillsborough District Courts.

HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act.

HB 1294, relative to antique snowmobiles.

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

HB 1361, relative to the penalty for shoplifting.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account.

HB 1376, relative to the duties of the legislative oversight committee on electric utility restructuring.

HB 1409-FN, relative to organ and tissue donation.

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

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

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

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

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

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1458-FN, relative to the regulation of landscape architects.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

HB 1497-L, relative to certification by a superintendent regarding statistical reports.

HB 1501, making various changes to the lottery commission.

HB 1516, relative to the modification and enforcement of child support orders.

HB 1521, relative to the membership of the juvenile parole board.

HB 1563, establishing a committee to study immigration.

HB 1570, relative to health insurance coverage for part-time college students.

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire.

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 1588, relative to unemployment compensation requirements for governmental and nonprofit employers.

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

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system.

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

HB 1654-FN, relative to the probate court mediation fund and fee.

HB 1662-FN, establishing the crime of peonage.

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards.

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 1690, relative to renewable energy.

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing a commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees.

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.

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

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans.

HJR 24, supporting efforts for commuter rail in the state of New Hampshire.

INTRODUCTION OF HOUSE BILL(S)

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 254-FN to HJR 24** shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses. (Environment and Wildlife)

HB 656-FN, 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. (Judiciary)

HB 1108, relative to the transfer of funds among PAUs within a department. (Finance)

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing. (Executive Departments and Administration)

HB 1125, relative to the filing period for candidates at the presidential primary. (Internal Affairs)

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances. (Banks and Insurance)

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment. (Public and Municipal Affairs)

HB 1134, relative to membership of the state building code review board. (Public and Municipal Affairs)

HB 1152, naming a certain bridge over the Merrimack River. (Transportation)

HB 1153, establishing a commission to study the laws and rules relating to subpoenas, summonses and complaints. (Judiciary)

HB 1154-FN, relative to eligibility for special number plates for veterans. (Transportation)

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail. (Energy and Economic Development)

HB 1162, relative to village districts. (Public and Municipal Affairs)

HB 1173, relative to designating the clerk in cities the chief elections officer for the city. (Public and Municipal Affairs)

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

HB 1191, making technical corrections to the chapter governing vital records. (Public and Municipal Affairs)

HB 1221-FN, relative to recovery of medical assistance. (Judiciary)

HB 1222-FN, relative to unlawful voting. (Internal Affairs)

HB 1225-FN-A, relative to the judicial branch family division for the Henniker and Hillsborough District Courts. (Judiciary)

HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer. (Public and Municipal Affairs)

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act. (Executive Departments and Administration)

HB 1294, relative to antique snowmobiles. (Environment and Wildlife)

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits. (Public and Municipal Affairs)

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. (Banks and Insurance)

HB 1361, relative to the penalty for shoplifting. (Judiciary)

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account. (Finance)

HB 1376, relative to the duties of the legislative oversight committee on electric utility restructuring. (Energy and Economic Development)

HB 1409-FN, relative to organ and tissue donation. (Health and Human Services)

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

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

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

HB 1427, relative to guiding principles for developmentally disabled services. (Health and Human Services)

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period. (Public and Municipal Affairs)

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. (Health and Human Services)

HB 1458-FN, relative to the regulation of landscape architects. (Finance)

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. (Executive Departments and Administration)

HB 1497-L, relative to certification by a superintendent regarding statistical reports. (Education)

HB 1501, making various changes to the lottery commission. (Ways and Means)

HB 1516, relative to the modification and enforcement of child support orders. (Judiciary)

HB 1521, relative to the membership of the juvenile parole board. (Executive Departments and Administration)

HB 1563, establishing a committee to study immigration. (Health and Human Services)

HB 1570, relative to health insurance coverage for part-time college students. (Banks and Insurance)

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire. (Education)

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

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

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

HB 1588, relative to unemployment compensation requirements for governmental and nonprofit employers. (Banks and Insurance)

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

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system. (Banks and Insurance)

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

HB 1654-FN, relative to the probate court mediation fund and fee. (Judiciary)

HB 1662-FN, establishing the crime of peonage. (Internal Affairs)

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards. (Energy and Economic Development)

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Executive Departments and Administration)

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

HB 1690, relative to renewable energy. (Energy and Economic Development)

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing a commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs. (Health and Human Services)

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (Judiciary)

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. (Finance)

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases. (Judiciary)

HB 1727-FN-L, relative to transfer or discharge of patients or residents in licensed facilities. (Health and Human Services)

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans. (Judiciary)

HJR 24, supporting efforts for commuter rail in the state of New Hampshire. (Transportation)

INTRODUCTION OF SENATE BILL(S)

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 403** to **405** shall be by this resolution read a first and second time by the therein listed title(s) and referred to the designated committee(s).

Adopted.

First and Second Reading and Referral

06-3036

SB 403, relative to verification of identity when a person registers or attempts to vote. (Green, Dist 6; Barnes, Dist 17; Bragdon, Dist 11; Clegg, Dist 14; Gallus, Dist 1; Gatsas, Dist 16; Johnson, Dist 2; Letourneau, Dist 19; Martel, Dist 18; Odell, Dist 8; Roberge, Dist 9: Public and Municipal Affairs)

06-3053

SB 404, relative to retirement benefits, optional benefits, and the collection of overpayments by the Manchester employees' contributory retirement system. (Martel, Dist 18; D'Allesandro, Dist 20; Odell, Dist 8; Roberge, Dist 9; Pilotte Hills 16; Vaillancourt, Hills 15; Infantine, Hills 13; Gonzalez, Hills 17; F. Sullivan, Hills 12: Public and Municipal Affairs)

06-3055

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. (Martel, Dist 18; D'Allesandro, Dist 20; Odell, Dist 8; Roberge, Dist 9; Pilotte Hills 16; Vaillancourt, Hills 15; Infantine, Hills 13; Gonzalez, Hills 17; F. Sullivan, Hills 12: Public and Municipal Affairs)

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 331, relative to restraining dogs and relative to livestock working dogs.

SB 72, relative to the licensing of public adjusters.

HJR 1, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

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 6

February 23, 2006

The Senate met at 10:00 a.m.

A quorum was present.

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

O God, creative and innovative are You. May Your hand with beauty imprint us. May Your marks of indelible clarity brighten us. And may the new technology of Your inspiration release through us quietly thundering waves of revolutionary transformation. *Amen*

Senator Flanders led the Pledge of Allegiance.

Senator Johnson is excused for the day.

INTRODUCTION OF GUESTS**SPECIAL ORDER**

Senator Clegg moved that we special order the following bills to March 9, 2006: SB 301, SB 318, SB 367, SCR 7.

Adopted.

COMMITTEE REPORTS

SB 279-FN, allowing employees of area agencies and mental health clinics to be treated as state employees for purposes of insurance. Banks and Insurance Committee. Inexpedient to Legislate, Vote 3-1. Senator Flanders for the committee.

Committee report of inexpedient to legislate is adopted.

Senators Gottesman and Martel are in opposition to the motion of inexpedient to legislate on SB 279-FN.

SB 299-FN, relative to health insurance rate changes. Banks and Insurance Committee. Inexpedient to Legislate, Vote 2-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

SB 347, establishing a committee to study the state employee health insurance plan. Banks and Insurance Committee. Inexpedient to Legislate, Vote 6-0. Senator Foster for the committee.

Committee report of inexpedient to legislate is adopted.

SB 372-FN, allowing certain employees of private agencies to be treated as state employees for purposes of insurance. Banks and Insurance Committee. Inexpedient to Legislate, Vote 6-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

SB 377-FN, relative to COBRA coverage for persons 55 years of age or older. Banks and Insurance Committee. Inexpedient to Legislate, Vote 3-1. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

SB 378-FN, relative to rates charged by health care providers. Banks and Insurance Committee. Inexpedient to Legislate, Vote 6-0. Senator Odell for the committee.

Committee report of inexpedient to legislate is adopted.

SB 391-FN, relative to insurance third party administrators. Banks and Insurance Committee. Ought to pass with amendment, Vote 4-1. Senator Flanders for the committee.

Banks and Insurance

February 16, 2006

2006-1074s

01/04

Amendment to SB 391-FN

Amend RSA 402-H:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Insurer" means, for the purposes of this chapter only and except as provided in RSA 402-H:6, a person undertaking to provide life, annuity, or health coverage or workers' compensation insurance or self-funded coverage under a governmental plan, multiple employer welfare arrangement, or a church plan in this state. For the purposes of this chapter, "insurer" may include an employer, a licensed insurance company, a prepaid hospital or medical care plan, or a health maintenance organization.

Amend RSA 402-H:6 as inserted by section 5 of the bill by replacing it with the following:

402-H:6 Responsibilities of the Insurer.

I. If an insurer utilizes the services of an administrator, the insurer shall be responsible for determining the benefits, premium rates, underwriting criteria, and claims payment procedures applicable to ~~[such]~~ **the** coverage and for securing reinsurance, if any. The rules pertaining to these matters shall be provided, in writing, by the insurer to the administrator. The responsibilities of the administrator as to any of these matters shall be set forth in the written agreement between the administrator and the insurer.

II. It is the sole responsibility of the insurer to provide for competent administration of its programs.

III. In cases in which an administrator administers benefits for more than 100 certificate holders on behalf of an insurer, the insurer shall, **at least semi-annually**, conduct~~[-at least semiannually;]~~ a review of the operations of the administrator. At least one such review shall be an on-site audit of the operations of the administrator.

IV. For purposes of this section, "insurer" means a licensed insurance company, prepaid hospital or medical care plan, or a health maintenance organization.

Amend RSA 402-H:11, VIII as inserted by section 8 of the bill by replacing it with the following:

VIII. An administrator licensed or applying for a certificate of authority that administers or will administer multiple employer welfare arrangements or church self-insured plans shall maintain a surety bond for the use and benefit of the commissioner that covers individuals and persons who have remitted premiums or insurance charges or other moneys to the administrator in the course of the administrator's business in the greater of \$100,000 or 10 percent of the administrator's average daily client account balance during the preceding calendar year. However, in no event shall the bond be more than \$1,000,000. If an administrator cannot obtain a bond, then another security, including, but not limited to, cash or negotiable securities in an amount equal to the amount of the required surety bond shall be set aside in one or more trustee bank accounts in the state of New Hampshire under trust terms that require the commissioner's signature for any account activity, except the accumulation of interest or other funds into the account, and that allows the commissioner, by order, to disburse the trust funds for the satisfaction of policyholder or customer claims.

Amend RSA 402-H:11-b as inserted by section 9 of the bill by replacing it with the following:

402-H:11-b Exemption. A pooled risk management program operated pursuant to RSA 5-B shall not be required to obtain a certificate of authority or to meet the other requirements of this chapter for services provided in connection with the administration of its pooled risk management plans, but shall be required to register with the commissioner pursuant to RSA 402-H:11-a. Pooled risk management program registration may be accomplished by providing the commissioner a copy of the informational filing required to be filed with the department of state pursuant to RSA 5-B:4.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Gottesman is in opposition to SB 391-FN.

Senator Foster Rule #42 on SB 391-FN.

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board. Banks and Insurance Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 515, relative to purchasing alliances. Banks and Insurance Committee. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Foster Rule #42 on HB 515.

SB 253, relative to enforcement of support orders for college and postsecondary educational expenses. Education Committee. Ought to pass with amendment, Vote 4-0. Senator Bragdon for the committee.

Senate Education

February 14, 2006

2006-0962s

05/10

Amendment to SB 253

Amend RSA 461-A:14, V as inserted by section 1 of the bill by replacing it with the following:

V. No child support order shall require a parent to contribute to an adult child's college expenses or other *postsecondary* educational expenses [~~beyond the completion of high school~~]. *However, any provision of a support order requiring a parent to contribute to an adult child's college expenses or other postsecondary educational expenses that was issued prior to February 2, 2004, shall be valid and enforceable. Any order issued prior to February 2, 2004 that permitted a parent to petition the court to seek a greater contribution toward the cost of college education or postsecondary educational expenses shall be valid and binding, and the court shall retain jurisdiction over it regardless of the date on which the petition for modification is brought. Nothing in this paragraph shall prohibit the parties from entering into a valid and enforceable private contract, stipulation, or permanent stipulation entered as a court order, for payment of an adult child's college or other postsecondary educational expenses. Failure of either party to attempt to enforce the terms of such private contract, stipulation, or permanent stipulation entered as a court order shall not render the contract, stipulation, or order unenforceable. In this paragraph, the term college expenses, postsecondary educational expenses, or educational expenses includes tuition, room, board, books, travel, and related expenses.*

2006-0962s

AMENDED ANALYSIS

This bill permits the court to enforce support orders for college and postsecondary educational expenses issued prior to February 2, 2004. Private contracts, stipulations, and prior orders for future modification of the amount of support for college expenses are also enforceable.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 253.

SB 266, requiring candidates for employment at the department of education to submit to a criminal background check. Education Committee. Inexpedient to Legislate, Vote 4-1. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

SB 290-FN-L, relative to wellness programs in public schools. Education Committee. Inexpedient to Legislate, Vote 4-1. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. Education Committee. Ought to Pass, Vote 3-2. Senator Estabrook for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 307-FN, relative to catastrophic special education funding. Education Committee. Ought to pass with amendment, Vote 4-1. Senator Estabrook for the committee.

Senate Education
February 14, 2006
2006-0955s
04/10

Amendment to SB 307-FN

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

2 New Subparagraph; Special Education; State Aid. Amend RSA 186-C:18, III by inserting after subparagraph (c) the following new subparagraph:

(d) In any fiscal year, if the total amount of catastrophic aid requested by school districts exceeds the amount appropriated to the department for catastrophic aid, the governor is authorized to draw a warrant for such sum as is necessary to satisfy the excess amount of the state's obligation under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2006-0955s

AMENDED ANALYSIS

This bill removes the provision requiring proration of catastrophic aid funds in years where the appropriation is insufficient and requires the state to appropriate additional funds sufficient to meet the amount of catastrophic aid needed by school districts.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 361-FN, relative to the use of surplus funds by a school district. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Green for the committee.

Senate Education
February 14, 2006
2006-0953s
04/10

Amendment to SB 361-FN

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

AN ACT relative to school district contingency funds.

Amend the bill by replacing section 1 with the following:

1 School Money; Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund. Every school district annually by an article in the warrant, and the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund **of up to 2 percent of the prior year's annual budget expenses** to meet the cost of **general operating or** unanticipated expenses that may arise during

the year. ***At no time shall the balance of the fund exceed 4 percent of the prior year's annual budget expenses. Moneys in this fund shall be nonlapsing and may be expended in any fiscal year.*** A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

2006-0953s

AMENDED ANALYSIS

This bill allows a school district to establish a nonlapsing fund of up to 2 percent of the prior year's annual budget expenses to meet general operating or unanticipated expenses.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 362-FN, relative to a tuition reduction for certain students taking courses at a regional community-technical college. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

SB 259, relative to the duty of care of occupants of land constructing or maintaining snowmobile trails. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 4-0. Senator Eaton for the committee.

Committee report of inexpedient to legislate is adopted.

SB 373-FN-A, relative to a public health response to arbovirus. Environment and Wildlife Committee. Ought to pass with amendment, Vote 3-2. Senator Hassan for the committee.

Environment and Wildlife

February 14, 2006

2006-0974s

09/10

Amendment to SB 373-FN-A

Amend RSA 105:3-b as inserted by section 2 of the bill by replacing it with the following:

105:3-b Removal of Standing Water Hazards. A local health or law enforcement officer may order removal or covering of standing water hazards on property. If the owner of the property, after notice has been delivered by certified mail or by hand delivery at the property owner's last known address fails to comply within a 72-hour period, such owner may be found guilty of a violation. If an arbovirus public health threat has been declared, local health or law enforcement officers may remove the hazard after one week and the property owner shall bear the expense of the removal of the hazard. In this section, "standing water hazard" means any container left open to rain or snow in a manner that allows water to collect and remain in the container in such a manner as to provide a breeding ground for, or to attract, insects. Containers treated with an adequate prophylactic pesticide treatment to prevent mosquito growth are exempt. "Standing water hazard" shall not include above ground or in ground swimming pools or feed or drinking equipment to include buckets and troughs used for livestock. Agricultural operations found to be in compliance with best management practices with regard to mosquito control by the department of agriculture, markets, and food shall be in compliance with this section.

Amend RSA 141-C:25 as inserted by section 3 of the bill by replacing it with the following:

141-C:25 Mosquito Control Fund.

I. There is hereby established a mosquito control fund to assist cities, towns, mosquito control districts, and non-profit organizations by providing funding for the purpose of offsetting the cost of mosquito control activities including, but not limited to, the purchase and application of chemical pesticides. For the purposes of this section, "non-profit organization" means an organization which has tax-exempt status under section 501(c)(3) of the Internal Revenue Code and which represents members who own or which owns itself, property actively used for agricultural or recreational use. The purpose of the fund is to provide financial assistance, when needed, to cities, towns, mosquito control districts, and non-profit organizations engaging in mosquito control and abatement activities in response to a declared threat to the public health.

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

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

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

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

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

(1) Historical and current climatic conditions.

(2) Historical and current mosquito population indices.

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

(4) The commissioner must declare in writing to the governor and the commissioner of the department of agriculture that such a threat to the public health exists.

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

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

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

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

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

(d) The commissioner has filed written notice of a threat to public health with the governor and the commissioner of agriculture, markets, and food.

V. A city, town's, mosquito control district's, or non-profit organization's receipt of funds, as well as the amount of funding, shall be at the discretion of the commissioner subject to the following criteria:

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

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

(c) The degree to which the non-profit organization's mosquito control and abatement activities will benefit the general public.

(d) The city, town, mosquito control district, or non-profit organization showing that the funding assistance from the mosquito control fund is necessary.

(e) The city, town, mosquito control district's, or non-profit organization's showing that the requested funding assistance is no more than 50 percent of the entity's mosquito control and abatement activities pursuant to the declared threat to the public health.

(f) Funding is available.

Amend paragraph I of section 8 of the bill by replacing it with the following:

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

- (a) Two members of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The state epidemiologist.
- (d) The state veterinarian.
- (e) The commissioner of the department of health and human services, or designee.
- (f) The commissioner of the department of agriculture, markets, and food, or designee.
- (g) The commissioner of the department of resources and economic development, or designee.
- (h) The executive director of the fish and game department, or designee.
- (i) The commissioner of the department of environmental services, or designee.
- (j) A representative from county government, appointed by the governor.
- (k) An entomologist from the university of New Hampshire, appointed by the governor.
- (l) Three locally-elected officials from towns or cities where arbovirus has been detected in animals or humans, at least one of whom shall be a public health officer, appointed by the governor.
- (m) Two private citizens, each a landowner, officer, one of whom shall be nominated by the New Hampshire Farm Bureau Federation, appointed by the governor.
- (n) Two members at-large, appointed by the commissioner of the department of health and human services.

Amend paragraph VII of section 9 of the bill by replacing it with the following:

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

Amend section 9 of the bill by inserting after paragraph VIII the following:

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

2006-0974s

AMENDED ANALYSIS

This bill:

- I. Clarifies that a state of emergency includes an arbovirus public health threat.
- II. Establishes a mosquito control fund in the department of health and human services to assist cities, towns, mosquito control districts, and non-profit organizations by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund.
- III. Allows local health or local law enforcement officers to order removal of standing water hazards.
- IV. Establishes a 2-year task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses in New Hampshire.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 538, relative to deconstruction of structures. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 3-2. Senator Gallus for the committee.

Committee report of inexpedient to legislate is adopted.

HB 544, relative to the land and community heritage program. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Gallus for the committee.

Environment and Wildlife

February 15, 2006

2006-1003s

08/09

Amendment to HB 544

Amend the bill by replacing section 2 with the following:

2 Public Access to Lands Purchased by The Land And Community Heritage Investment Program. Amend the introductory paragraph and paragraph I of RSA 227-M:15 to read as follows:

227-M:15 Public Access; Liability. Lands and interests in lands purchased with funds from this program by any eligible applicant shall be open in perpetuity for passive recreational purposes ***except as provided in paragraph I.*** Language to be used in easement interests secured through the program shall approximate the intent of the following:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against ~~[hunting on]~~ ***access to*** active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations. ***Such term easements as described in RSA 227-M:2, IV will be granted where participation in such program fosters farm viability entered into by the authority or the department of agriculture, markets, and food.***

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 578, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax. Environment and Wildlife Committee. Ought to pass with amendment, Vote 5-0. Senator Eaton for the committee.

Environment and Wildlife

February 14, 2006

2006-0976s

10/04

Amendment to HB 578

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

AN ACT relative to the chair of the current use advisory board.

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

1 Current Use Advisory Board; Vice Chair. Amend RSA 79-A:3, IV to read as follows:

IV. The board shall annually elect ~~[one of its members as chairman]~~ ***from its members a chair and a vice-chair who shall serve in the chair's absence with all associated responsibilities, including rulemaking.***

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

2006-0976s

AMENDED ANALYSIS

The bill permits the vice-chair of the current use board to act in the chair's absence.

MOTION TO TABLE

Senator Eaton moved to have HB 578 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 578, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

SB 297-FN, establishing a new position and relative to the realignment of functions in the department of corrections. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator Flanders for the committee.

Committee report of inexpedient to legislate is adopted.

SB 309-FN-A, granting retirement benefits to certain retired judges, and making an appropriation therefor. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Flanders for the committee.

Senate Executive Departments and Administration
February 16, 2006
2006-1063s
04/03

Amendment to SB 309-FN-A

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

AN ACT establishing a commission to study inclusion of service as a part-time district court judge in the calculation of retirement benefits.

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

1 Commission Established. There is established a commission to study the inclusion of service as a part-time district court judge in the calculation of a person's retirement benefits.

2 Membership and Compensation.

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

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

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

(c) The executive director of the New Hampshire retirement system, or designee.

(d) One member of the New Hampshire retirement system board of trustees, selected by the chairman of the board of trustees.

(e) The administrator of the New Hampshire judicial retirement plan, or designee.

(f) One member of the New Hampshire judicial retirement plan board of trustees, selected by the chairman of the board of trustees.

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

3 Duties. The commission shall study issues related to the inclusion of service as a part-time district court judge in the calculation of the person's retirement benefits.

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

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

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

2006-1063s**AMENDED ANALYSIS**

This bill establishes a commission to study inclusion of service as a part-time district court judge in the calculation of retirement benefits.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Burling Rule #42 on SB 309-FN-A.

SB 313-FN, relative to the exemptions for the practice of massage therapy. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-2. Senator Flanders for the committee.

Committee report of inexpedient to legislate is adopted.

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Kenney for the committee.

**Senate Executive Departments and Administration
February 16, 2006**

2006-1042s

09/10

Amendment to SB 354-FN

Amend RSA 100-A:1, VII(g)(1) as inserted by section 3 of the bill by replacing it with the following:

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

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

5 Transitional Provisions. Any persons employed as security officers of the New Hampshire hospital security force on the date this act takes effect and who have not completed the training required by the police standards and training council for certification as full-time police officers shall be scheduled for training at the police academy at the earliest practical time without undue interruption to the security operations at the hospital. No person shall be entitled to continue in such position for more than 2 years following the effective date of this act nor to join group II of the retirement system without successfully completing all the training and other requirements necessary to be fully certified. All officers hired on or after July 1, 2006, if not already full-time certified, shall successfully complete the police academy within the time specified in RSA 188-F and the rules of the police standards and training council.

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 365-FN, relative to the lottery commission. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-2. Senator Barnes for the committee.

MOTION TO TABLE

Senator Barnes moved to have HB 365-FN laid on the table.

Motion failed.

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

A division vote was requested.

Yeas: 9 - Nays: 14

Motion failed.

Senator Eaton moved ought to pass.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 296-FN, relative to recovery of public assistance. Finance Committee. Ought to Pass, Vote 8-0. Senator Green for the committee.

Adopted.

Ordered to third reading.

SB 303-FN, relative to elective angioplasty. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2, Senator Fuller Clark for the committee.

Committee report of inexpedient to legislate is adopted.

SB 340, establishing a legislative health care advisory board. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Gallus for the committee.

Committee report of inexpedient to legislate is adopted.

SB 345, establishing a lobbying commission and relative to lobbyist registration and financial disclosure requirements. Internal Affairs Committee. Interim Study, Vote 5-0. Senator Boyce for the committee.

MOTION TO TABLE

Senator Boyce moved to have SB 345 laid on the table.

Adopted.

LAID ON THE TABLE

SB 345, establishing a lobbying commission and relative to lobbyist registration and financial disclosure requirements.

SB 375-FN, relative to the executive branch code of ethics and establishing an executive branch ethics committee. Internal Affairs Committee. Interim Study, Vote 5-0. Senator Larsen for the committee.

MOTION TO TABLE

Senator Boyce moved to have SB 375-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 375-FN, relative to the executive branch code of ethics and establishing an executive branch ethics committee.

HB 234-FN, relative to the development of a state and political subdivision information network. Internal Affairs Committee. Ought to Pass, Vote 2-1. Senator Boyce for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 282-FN-L, relative to removal of abandoned vehicles on private property. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Gottesman for the committee.

**Senate Judiciary
February 16, 2006
2006-1069s
03/04**

Amendment to SB 282-FN-LOCAL

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

AN ACT relative to removal of abandoned vehicles.

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

2 Abandoned Vehicles; Charges Against Vehicles Abandoned on Private Property. Amend RSA 262:40-a, II to read as follows:

II. *The costs of removing a vehicle under this section, including towing costs, shall, consistent with RSA 262:35-a, be the responsibility of the last registered owner according to department records.* If a vehicle is towed from a parking lot or parking garage, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted in the parking lot or parking garage conspicuous notice that illegally parked vehicles are subject to towing at the owner's expense.

2006-1069s

AMENDED ANALYSIS

This bill makes discretionary the removal by a peace officer of abandoned vehicles on private property. This bill also clarifies liability for costs of removing abandoned vehicles from private property.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Clegg for the committee.

**Senate Judiciary
February 16, 2006
2006-1066s
09/10**

Amendment to SB 334

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

1 New Subdivision; Consumer Credit Reporting; Security Freeze. Amend RSA 359-B by inserting after section 21 the following new subdivision:

Security Freeze

359-B:22 Definitions. In this subdivision:

I. "Identity theft" means the unauthorized taking or use of an individual's personal information to obtain credit, goods, services, money, or property, with the intent to commit fraud. In this paragraph, personal information includes, but is not limited to, an individual's first name or initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

(1) Social security number.

(2) Driver's license number.

(3) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

II. "Proper identification" means that information generally considered sufficient to identify a person.

III. "Security freeze" or "freeze" means a notice placed in a consumer report at the request of the consumer pursuant to RSA 359-B:24 that prohibits a consumer reporting agency from releasing the consumer report or credit score.

359-B:23 Notice to Consumers.

I. Any time a consumer reporting agency is required to make a written disclosure to consumers pursuant to 15 U.S.C. section 1681g, it shall disclose, in at least 12-point type, and in bold type as indicated, the following notice:

NOTICE TO NEW HAMPSHIRE CONSUMERS

Right to Security Freeze on Consumer Credit Report

You have the right to place a "security freeze" on your credit report pursuant to RSA 359-B:24. Under New Hampshire law, what is commonly known as a credit report is referred to as a "consumer report."

A security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. The security freeze must be requested in writing, by certified mail.

You may obtain a security freeze on your consumer report at no charge if you are a victim of identity theft and you submit a copy of the police report, investigative report, or complaint that you filed with a law enforcement agency about unlawful use of your personal information by another person.

The consumer reporting agency may charge you a fee for the security freeze if you are not a victim of identity theft.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your consumer report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, internet credit card transaction, or other services, including an extension of credit at point of sale.

When you place a security freeze on your consumer report, within 10 business days you will be provided a personal identification number or password to use if you choose to remove the freeze on your consumer report or authorize the release of your consumer report for a specific party or period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

(1) The unique personal identification number or password provided by the consumer reporting agency.

(2) Proper identification to verify your identity.

(3) The proper information regarding the third party who will receive the credit report or the period of time for which the report shall be available to users of the credit report.

(4) Payment of the applicable fee, if any.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a consumer report must comply with the request no later than 3 business days after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity with which you have an existing account that requests information in your consumer report for the purposes of reviewing or collecting the accounts, provided the use of your credit report is for a permissible purpose as provided by the federal Fair Credit Reporting Act. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have the right to bring a civil action against anyone who violates your rights under the credit reporting laws.

359-B:24 Security Freeze by Consumer Reporting Agency; Time in Effect.

I. A consumer may place a security freeze on his or her consumer report as follows:

(a) A consumer who has been the victim of identity theft may place a security freeze on his or her consumer report by making a request in writing, by certified mail to a consumer reporting agency with a valid copy of the police report, investigative report, or complaint the consumer has filed with a law enforcement agency about unlawful use of personal information by another person. In the case of a victim of identity theft, a consumer reporting agency shall not charge a fee for placing, removing, or temporarily lifting for a specific party or period of time a security freeze on a consumer report.

(b) A consumer who has not been the victim of identity theft may place a security freeze on his or her consumer report by making a request in writing, by certified mail to a consumer reporting agency. A consumer reporting agency may charge a fee of no more than \$10 to a consumer for each freeze, removal of a freeze, or temporary lift of a freeze for a period of time or specific party or for reissuing the same or a new personal identification number if the consumer fails to retain the original personal identification number provided by the agency.

II. Subject to the exceptions in paragraph XIII, when a security freeze has been placed on a consumer report, the consumer reporting agency shall not release the consumer report or any information from it without the express authorization of the consumer. This subparagraph shall not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report.

III. A consumer reporting agency shall place a security freeze on a consumer report no later than 5 business days after receiving a written request from the consumer.

IV. The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 10 business days after placing the security freeze and shall provide the consumer with a personal identification number or password, other than the consumer's social security number, to be used by the consumer when providing authorization for the release of a consumer report to a specific party or for a period of time.

V. If the consumer wishes to allow access to the consumer report by a specific party or for a certain period of time while a freeze is in place, the consumer may contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide each of the following:

(a) Proper identification.

(b) The personal identification number or password provided by the consumer reporting agency pursuant to paragraph IV.

(c) The proper information regarding the specific party granted access or the time period for which the report is to be available to users.

(d) Payment of the applicable fee, if any, pursuant to subparagraph I(b).

VI. A consumer reporting agency may develop procedures involving use of phone, fax, internet, or other electronic media to receive and process requests.

VII. A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a consumer report pursuant to paragraph V shall comply with the request no later than 3 business days after receiving the request.

VIII. A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer report only:

(a) Upon consumer request, pursuant to paragraph V or XI; or

(b) If the consumer report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer report pursuant to this subparagraph, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer report.

IX. If a third party requests access to a consumer report on which a security freeze is in effect and this request is in connection with an application for credit or any other use and the consumer does not allow access to the consumer report for that specific party or period of time, the third party may treat the application as incomplete.

X. If a consumer requests a security freeze pursuant to this section, the consumer reporting agency shall disclose to the consumer the processes of placing and temporarily lifting a security freeze and the process for allowing access to information from the consumer report for a specific party or period of time while the security freeze is in place.

XI. A security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from a consumer who provides:

(a) Proper identification.

(b) The personal identification number or password provided by the consumer reporting agency pursuant to paragraph IV.

(c) Payment of the applicable fee, if any, pursuant to subparagraph I(b).

XII. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

XIII. This section, including the security freeze, shall not apply to the use of a consumer report by the following:

(a) A person or person's subsidiary, affiliate, agent, or assignee with which the consumer has or, prior to assignment, had an account, contract, or debtor-creditor relationship for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or debt or extending credit to

a consumer with a prior or existing account, contract, or debtor-creditor relationship, subject to the requirements of RSA 359-B:4. For purposes of this subparagraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(b) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under paragraph V for the purpose of facilitating the extension of credit or another permissible use.

(c) A person acting pursuant to a court order, warrant, or subpoena.

(d) Child support enforcement officials when investigating a child support case pursuant to Title IV-D of the Social Security Act.

(e) The department of health and human services, the department of justice, or any of their agents or assignees, acting to investigate Medicaid fraud.

(f) The department of revenue administration, municipal taxing authorities, the secretary of state, the division of motor vehicles in the department of safety, or any of their agents or assignees, acting to investigate or collect delinquent taxes or assessments, including interest and penalties and unpaid court orders, or to fulfill any of their other statutory or charter responsibilities.

(g) A person's use of credit information for prescreening as provided by the federal Fair Credit Reporting Act.

(h) A person for the sole purpose of providing a credit file monitoring subscription service to which the consumer has subscribed.

(i) Any person or entity, including but not limited to a consumer reporting agency, for the purpose of providing a consumer with a copy of his or her consumer report or credit score upon the consumer's request.

(j) Any person or entity for use in setting or adjusting an insurance rate or claim or underwriting for insurance purposes.

359-B:25 Duties of Consumer Reporting Agency if Security Freeze Is In Effect. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer report without sending written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, and transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to the new address and the former address.

359-B:26 Persons Not Required to Place Security Freeze. The following persons are not required to place a security freeze on a consumer report pursuant to RSA 359-B:24, except that any person that is not required to place a security freeze on a consumer report under paragraph III is subject to a security freeze placed on a consumer report by another consumer reporting agency from which it obtains information:

I. A check services or fraud prevention services company that reports on incidents of fraud or issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payment.

II. A deposit account information service company that issues reports regarding account closures due to fraud, overdrafts, automated teller machine abuse, or similar negative information regarding a consumer to inquiring financial institutions for use only in reviewing that consumer's request for a deposit account at the inquiring financial institution.

III. A consumer reporting agency that:

(a) Acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and

(b) Does not maintain a permanent database of credit information from which new consumer reports are produced.

359-B:27 Victim of Identity Theft; Access to Consumer Report. Every consumer credit reporting agency shall, upon the receipt from a victim of identity theft of a police report, investigative report, or complaint the consumer has filed with a law enforcement agency about unlawful use of personal information by another person, provide the victim, free of charge and upon request, a copy of his or her consumer report and such additional copies of the consumer report as he or she may be entitled to under the Fair Credit Reporting Act, 15 U.S.C. section 1681 et seq.

359-B:28 Consumer Report Files of Deceased Persons.

I. An executor, administrator, or other person authorized to act on behalf of an estate of a deceased person may request that a consumer reporting agency indicate on the deceased person's consumer report that the person is deceased. The consumer reporting agency shall indicate on the deceased person's consumer report that the person is deceased within 5 business days of receipt of the following documentation from the executor, administrator, or other person authorized to act on behalf of the estate of the deceased person:

(a) A certificate of death, a certificate of appointment, letters testamentary, or other order from the probate court authorizing the executor, administrator, or other person to act on behalf of the estate of the deceased person; and

(b) A request to indicate on the deceased person's consumer report that the person is deceased.

II. The consumer reporting agency may remove the indication placed on the person's consumer report pursuant to paragraph I if the consumer reporting agency finds that the indication was placed on the person's consumer report through material misrepresentation of fact. If the consumer reporting agency intends to remove the indication pursuant to this section, the consumer reporting agency shall notify the person or the executor, administrator, or other person authorized to act on behalf of the estate in writing prior to removing the indication.

2 Consumer Credit Reporting; Civil Liability for Willful Noncompliance. Amend RSA 359-B:16, I to read as follows:

I. Any actual damages sustained by the consumer as a result of the failure ***or \$1,000, whichever is greater;***

3 Consumer Credit Reporting; Civil Liability for Negligent Noncompliance. Amend RSA 359B:17, I to read as follows:

I. Any actual damages sustained by the consumer as a result of the failure ***or \$1,000, whichever is greater;***

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

2006-1066s

AMENDED ANALYSIS

This bill:

I. Permits consumers to establish a "credit freeze" on their consumer reports and requires consumer reporting agencies to provide notice of this right.

II. Permits victims of identity theft to request copies of their consumer reports.

III. Establishes a procedure to notify consumer reporting agencies when a person is deceased.

IV. Establishes a minimum penalty for negligent or willful violations of the consumer credit reporting law.

Amendment adopted.

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

A division vote was requested.

Yeas: 22 - Nays: 0

Adopted.

Ordered to third reading.

SB 353-FN, relative to registration of criminal offenders convicted of homicide. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Gottesman for the committee.

Senate Judiciary

February 8, 2006

2006-0839s

04/10

Amendment to SB 353-FN

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

1 Short Title. This act shall be known as the Diane Lemire Victims Rights Act.

2 New Section; Homicide; Notification of Release of Offenders into Community. Amend RSA 630 by inserting after section 3 the following new section:

630:3-a Notification of Release of Offenders into Community.

I. The official in charge of the release on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, or for any other reason, of any person convicted of second degree murder under RSA 630:1-b or manslaughter under RSA 630:2, shall obtain the address at which the offender expects to reside upon release and any subsequent change of address and shall, for as long as the offender is in the legal custody of the adult parole board, report such addresses to the adult parole board established in RSA 651-A:4. The adult parole board shall maintain a list of all offenders and shall, on a quarterly basis, inform the victim's immediate family, in the order of priority set forth in paragraph II, of the address of the offender. Interested members of the public may obtain a copy of the list by request made to a local law enforcement agency.

II. The victim's immediate family shall provide change of address information to the adult parole board. If no change of address information is submitted, the adult parole board shall forward the offender's address information to the last known address of the victim's immediate family. In this subparagraph, "immediate family" shall mean the victim's spouse, child, sibling, or parent.

3 Parole of Prisoners; Adult Parole Board Duties. Amend RSA 651-A:4, III to read as follows:

III. *In accordance with RSA 630:3-a, maintain a list of addresses of offenders released into the community, a list of change of address information for victims' immediate family members, and provide notice to a victim's immediate family; and*

IV. Adopt rules, pursuant to RSA 541-A, relative to:

- (a) The parole process, including the conduct of parole hearings;
- (b) Criteria used to evaluate prospective parolees;
- (c) Conditions for the conduct of parolees; and
- (d) Procedures for revocation of parole.
- (e) Procedures for medical parole.

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

2006-0839s

AMENDED ANALYSIS

This bill requires the adult parole board to maintain a list of addresses of offenders convicted of second degree murder and manslaughter and released into the community, and to notify a victim's immediate family of an offender's address. The bill also requires the victim's immediate family to provide change of address information to the adult parole board.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 317-FN, establishing an occupational and professional regulation screening and appeals board to review complaints to and decisions by occupational and professional regulatory boards. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Public and Municipal Affairs

February 15, 2006

2006-1014s

09/04

Amendment to SB 317-FN

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

AN ACT establishing a screening panel to review complaints to occupational and professional regulatory boards and establishing an appeals board to review decisions by occupational and professional regulatory boards.

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

1 New Sections; Occupational and Professional Regulation Screening Panel and Appeals Board. Amend RSA 541 by inserting after section 5 the following new sections:

541:5-a Occupational and Professional Regulation Screening Panel.

I. There is established an occupational and professional regulation screening panel to review complaints to occupational and professional regulatory boards and commissions.

II. Any person who is the subject of a complaint filed with an occupational or professional regulatory board or commission may submit the complaint to the professional association for his or her occupation or profession to be reviewed by a screening panel for a determination of the merit of the complaint.

III. Each screening panel shall be comprised of 3 persons, who shall be members of the profession regulated by the board or commission with which the complaint was filed and shall be appointed by the professional association for that occupation or profession. No member of a screening panel shall be a member of any occupational or professional regulatory board or commission. Such professional association shall name the chairperson of the screening panel, who shall establish the time and place and provide notice to the panel members and parties of a hearing on the merits of the complaint.

IV. The screening panel shall have 60 days to review the complaint and determine whether the complaint has merit, by examining the grounds for dismissal of a complaint under the law applicable to the particular occupational or professional regulatory board or commission. During this 60-day period, the occupational or professional regulatory board or commission shall suspend its disciplinary proceedings regarding the complaint. The screening panel shall issue a written determination to the occupational or professional regulatory board or commission as to whether the complaint has merit. If the screening panel concludes that the complaint has no merit, the occupational or professional regulatory board or commission shall dismiss the complaint. If the screening panel concludes that the complaint has merit, the occupational or professional regulatory board or commission shall resume its disciplinary proceedings regarding the complaint.

V. Members of a screening panel may receive reimbursement for mileage and other expenses related to their duties as screening panel members.

VI. No civil action shall be maintained against any screening panel appointed under this section or any member of the screening panel or its agents or employees, against any organization or association or its members, or against any other person for, or by reason of any statement, report, communication, or testimony to the screening panel or any determination, action, statement, report, communication, disclosure or testimony by the screening panel in relation to any proceeding or communication under this chapter.

VII. The appeals board established under RSA 541:5-b shall establish a schedule of fees for reviews under this section and appeals under RSA 541:5-b, which shall be sufficient to pay for the costs of reviews and appeals.

541:5-b Occupational and Professional Regulation Appeals Board.

I. There is established an occupational and professional regulation appeals board to hear appeals from decisions of occupational and professional regulatory boards.

II.(a) The appeals board shall consist of the following members:

- (1) Two public members, appointed by the president of the senate.
- (2) Two public members, appointed by the speaker of the house of representatives.
- (3) Three public members, appointed by the governor.

(b) No member of the appeals board shall be a member of any occupational or professional regulatory board or commission.

(c) The members appointed under subparagraph (a) shall serve 2-year terms and may be reappointed by their appointing authorities. The governor shall name a chairperson of the appeals board from the public members.

(d) The appeals board shall meet as necessary at the call of the chairperson to carry out its duties under paragraph III of this section.

III. As an alternative to rehearing by the occupational or professional regulatory board or commission under RSA 541:2 through RSA 541:5 and as an alternative to appeal to the supreme court under this chapter, a decision by an occupational or professional regulatory board or commission may be appealed to the

appeals board within 30 days after the decision is issued. The provisions of RSA 541:7 - RSA 541:11, relative to petitions, parties, notice, and fees for copies in appeals to the supreme court, shall also apply to appeals to the appeals board. The appeals board shall conduct a de novo review of the complaint under the same disciplinary and evidentiary standards and procedures applicable under the law to the occupational or professional regulatory board or commission. The appeals board shall issue its decision on the appeal in a written order within 30 days of hearing the appeal. Decisions of the appeals board may be appealed to the supreme court under RSA 541:6.

IV. Appeals board members may receive reimbursement for mileage and other expenses related to their duties as appeals board members.

V. No civil action shall be maintained against the appeals board or any member of the appeals board or its agents or employees, against any organization or association or its members, or against any other person for, or by reason of any statement, report, communication, or testimony to the appeals board or any determination, action, statement, report, communication, disclosure or testimony by the appeals board in relation to any proceeding or communication under this chapter.

VI. The appeals board shall establish a schedule of fees for screening panel reviews under RSA 541:5-a and appeals under this section, which shall be sufficient to pay for the costs of reviews and appeals.

2 Appeal to Supreme Court. RSA 541:6 is repealed and reenacted to read as follows:

541:6 Appeal to Supreme Court. Within 30 days after a decision on an application for rehearing or after a decision on such rehearing under RSA 541:5, or within 30 days after a decision on an appeal by the occupational and professional regulation appeals board under RSA 541:5-b, the decision may be appealed to the supreme court.

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

2006-1014s

AMENDED ANALYSIS

This bill establishes a process for screening complaints to occupational and professional regulatory boards and commissions. Screening panels shall consist of 3 members of the profession which is regulated by the board or commission with which the complaint is filed, who are appointed by the professional association for that profession. The screening panel shall have the authority to review the complaint to determine whether the complaint has merit. If a complaint is found not to have merit by the screening and appeals board, the complaint will be dismissed by the regulatory board and commission.

This bill also establishes an occupational and professional regulation appeals board to review decisions by occupational and professional regulatory boards and commissions. A party may appeal to the appeals board as an alternative to a rehearing by the occupational or professional regulatory board or commission or directly appeal to the supreme court under RSA 541, and may appeal a decision of the appeals board to the supreme court under RSA 541.

Amendment adopted.

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

A division vote was requested.

Yeas: 12 - Nays: 10

Adopted.

Referred to the Finance Committee (Rule #26).

SB 320, relative to investigations of cruelty to horses. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

SB 346-FN, codifying certain septic system rules. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-1. Senator Barnes for the committee.

Motion failed.

Senator Burling moved ought to pass.

Adopted.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

Sen. Roberge, Dist. 9

Sen. Barnes, Dist. 17

Sen. Kenney, Dist. 3

Sen. Martel, Dist. 18

Sen. Burling, Dist. 5

Sen. Hassan, Dist. 23

February 22, 2006

2006-1192s

06/09

Floor Amendment to SB 346-FN

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

AN ACT relative to septage management activities.

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

1 New Paragraph; Definitions; Land Application Added. Amend RSA 485-A:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Land application" means the placement of septage, biosolids, short paper fiber, or exceptional quality solids or filtrate on the ground surface at agronomic rates for beneficial use.

2 New Paragraphs; Definitions; Class A Biosolids Added. Amend RSA 485-A:2 by inserting after paragraph XXIII the following new paragraphs:

XXIV. "Class A biosolids" means any sludge derived from a sewage wastewater treatment facility which is Class A with respect to pathogens and meets one of the vector attraction reduction requirements of 40 C.F.R. part 503 and the standards for beneficial reuse specified by the department.

XXV. "Exceptional quality" means a designation of solids or filtrate derived from septage which indicates the solids or filtrate is Class A with respect to one of the pathogen reduction requirements and one of the vector attraction reduction requirements of 40 C.F.R. part 503 and meets the standards for beneficial reuse specified by the department.

3 Septage or Biosolids Spreading. RSA 485-A:5-c is repealed and reenacted to read as follows:

485-A:5-c Notice of Septage or Sludge Spreading.

I. No person shall spread or apply to the land septage or biosolids, as defined in RSA 485-A:2, before the permittee has had published a boxed notice in a newspaper of local circulation of the proposed activity to be conducted. At a minimum the notice shall include the type of activity to be conducted, the intended date of the first spreading of septage or biosolids, and the proposed location. Each year such notice shall be published at least twice within 30 days prior to the intended date of the first spreading.

II. The notice shall include the names, addresses, and telephone numbers of the following:

(a) The applicant, if applicable.

(b) The generator of the septage or biosolids, if applicable.

(c) The person responsible for managing the activities on-site, if different from the applicant under subparagraph (a).

(d) The landowner, if not given under subparagraph (a) or (c).

III. A copy of such notice shall be posted continually on the entrances to the site beginning 3 days prior to the application and ending 3 days after the application.

IV. Site permits for land application of septage shall be issued for 10 years.

V. The provisions of this section shall not apply to Class A biosolids, exceptional quality solids, or filtrate.

4 New Subdivision; Septage Management. Amend RSA 485-A by inserting after section 57 the following new subdivision:

Septage Management

485-A:58 Permit Applications for Septage Facilities and Innovative/Alternative Septage Treatment Systems; Hearing Required.

I. Before the department may issue any permit to operate a septage facility or for septage management activities using innovative/alternative technology for the processing, treatment, removal, or disposal of septage or land application of septage, it shall hold a public hearing on the permit application at least 30 days before it may issue the permit. All abutters and the municipality where the proposed activity is to occur shall be notified by letter by the permittee of the proposed activity to be conducted. At a minimum, the letter shall include the location, time, and date of the hearing, the type of activity to be conducted, and the proposed location of the site or facility for which the permit is sought. The hearing shall be held in the municipality in which the activity is proposed to occur.

II. The department shall publish notice of the hearing in a newspaper of local circulation and a newspaper of statewide circulation, no less than 30 days prior to the hearing date. At a minimum, the notice shall include the location, time, and date of the hearing, the type of activity to be conducted and the proposed location of the site or facility for which the permit is sought.

III. A facility permit issued by the department shall expire 10 years from the date on which it was issued.

IV. The provisions of this section shall not apply to the issuance of any septic hauler permits.

V. The provisions of this section shall not apply to Class A biosolids, exceptional quality solids, or filtrate.

485-A:59 Requests for Waivers.

I. Any person may request a waiver for septage facilities from the provisions and standards established in rules adopted under RSA 541-A.

(a) A request for a waiver for septage facilities shall be submitted in writing to the department of environmental services, and a copy of the waiver request shall be sent to the abutters of the facility and the municipality in which the facility is located.

(b) A request for a waiver shall include:

(1) The name, mailing address, and daytime telephone number of the person requesting the waiver;

(2) The location of the property to which the waiver request relates, and its site or facility permit number, if applicable;

(3) A specific reference to the provisions in this section for which the waiver is being sought and an explanation why the waiver is necessary;

(4) An explanation of the alternatives that will be implemented if a waiver is granted, if any, with supporting data; and

(5) A full explanation of how granting the waiver would provide an equivalent level of protection of public health and safety and the environment.

II. The department shall approve a request for a waiver if it determines that:

(a) The alternatives proposed are at least equivalent to the provisions and standards in rules adopted under RSA 541-A; and

(b) Granting the waiver will not endanger public health and safety or the environment.

485-A:60 Permit; Proof of Financial Responsibility. The department shall not issue a permit for a septage facility, an innovative/alternative septage treatment system or facility, or a research and development septage treatment project, unless the facility or project meets the terms and conditions required in rules adopted by the commissioner. These terms and conditions include, but are not limited to, monitoring, contingency plans, closure, and an approved financial assurance plan to guarantee cost of facility closure.

485-A:61 Training Required; Innovative/Alternative Applications. The department shall not issue a permit to operate an innovative or alternative application facility or site until the applicant has provided proof that he or she has completed training that meets industry standards for operating the type of innovative or alternative facility or site for which the applicant is seeking a permit.

485-A:62 Applicability. All facilities that process, treat, or dispose of septage and sites on which septage is land applied including those that were in operation prior to October 1, 2005 shall comply with this subdivision and any rules adopted pursuant to this subdivision. "Facilities" include, but are not limited to, lagoons, septage treatment facilities, innovative or alternative waste treatment, and research and development facilities.

5 Penalty. Amend RSA 485-A:22, I-III to read as follows:

I. Any person who willfully or negligently violates any provision of this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***; or any rule of the department adopted pursuant to this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or any condition or limitation in a permit issued under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***; or who knowingly makes any material false statement, representation, or certification in any application, record, report, plan, or other document required to be filed or maintained pursuant to this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or pursuant to a rule adopted by the department under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***, or who knowingly makes any such statement, representation, or certification in connection with any permit issued under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***; or who knowingly renders inaccurate, falsifies, or tampers with any monitoring device or method required under this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or rule of the department adopted under this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or required in connection with any permit issued under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***; or who knowingly fails, neglects, or refuses to obey any lawful order of the department, shall, notwithstanding the provisions of RSA title LXII, be punished by a fine of not more than \$25,000 for each day of such violation or imprisoned for not more than 6 months or both.

II. Any person who shall violate any provisions of this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or any lawful regulation of the department issued pursuant to this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or any condition or limitation in a permit issued under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***, or who shall fail, neglect, or refuse to obey any order lawfully issued pursuant to this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62*** shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

III. The department shall issue a written cease and desist order against any discharge or act in violation of this subdivision [or], RSA 485-A:4-6, ***RSA 485-A:58-62***, or lawful regulation of the department made under them or any condition of any permit lawfully issued by the department, and any such discharge or act may be enjoined by the superior court upon application of the attorney general, whether the court is in term time or vacation. Municipalities shall comply with such orders pursuant to RSA 38:25.

6 Penalty; Administrative Fine. Amend RSA 485-A:22, V to read as follows:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***, any rule adopted under this subdivision [or], RSA 485-A:4-6, ***or RSA 485-A:58-62***, or any permit issued under the authority of this subdivision [or], RSA 485-A:4-6 ***or RSA 485-A:58-62***. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter, rules adopted under this chapter, and permits issued under this chapter, as provided above.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

7 State Guarantee; Innovative or Alternative Septage Facilities and Sites Added. Amend RSA 485-A:7 to read as follows:

485-A:7 State Guarantee. In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of \$175,000,000, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county or district for construction of sewerage systems, sewage treatment and disposal plants, ***innovative/alternative septage treatment facilities***, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of \$175,000,000. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold at public sealed bidding to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds,

the state may recover any losses suffered by it by action against the municipality, town, city, county or district as provided in RSA 530. Provided, further, that in accordance with RSA 35-A:29, the foregoing requirement for public sealed bidding shall not be applicable to any bonds or notes or both so guaranteed which are sold to the New Hampshire municipal bond bank, and any bonds or notes or both so guaranteed may be sold to the New Hampshire municipal bond bank at private sale in accordance with the provisions of RSA 35-A.

8 New Paragraph; Fee Waiver. Amend RSA 485-A:4, XVI-a to read as follows:

XVI-a. To regulate the removal, transportation, and disposal of septage through administration of a permit system. As a condition of any permit issued under this chapter, the department may require payment of a reasonable fee, established by rules adopted under RSA 485-A:6, X-a. Funds collected under this paragraph shall be deposited with the treasurer as unrestricted revenue. ***For each municipality under agreement in compliance with RSA 485-A:5-b, the department shall waive 20 percent of any septage facility permit application fee up to a total of 100 percent of the septage facility permit fee for 5 or more municipalities under agreement in compliance with RSA 485-A:5-b.***

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

2006-1192s

AMENDED ANALYSIS

This bill establishes:

- I. New procedures for and exceptions to the permit process for land application of biosolids.
- II. New standards and procedures for permits for septage management facilities, including innovative/alternative septage treatment systems.
- III. Certain setback requirements.
- IV. A waiver of certain septage facility permit fees for complying municipalities.

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 2-0. Senator Burling for the committee.

Public and Municipal Affairs

February 15, 2006

2006-1013s

10/04

Amendment to SB 359-FN

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

1 Definition; Master Plumber. Amend RSA 329-A:2, I to read as follows:

I. "Master plumber" means any person, firm [or], corporation, ***or limited liability company*** that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for his or its own account.

2 Definition; Apprentice. Amend RSA 329-A:2, III to read as follows:

III. "Apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program [acceptable to the board] ***that meets the requirements of the state apprenticeship council established in RSA 278.***

3 New Paragraphs; Definitions Added. Amend RSA 329-A:2 by inserting after paragraph VIII the following new paragraphs:

IX. "Agent" means a person who is designated as an agent in writing by the property owner of record and who does plumbing for that property owner of record without compensation.

X. "State plumbing code" means the state plumbing code described in RSA 329-A:15.

4 Plumbers' Board. Amend RSA 329-A:3, I to read as follows:

I. There shall be a state board for the licensing and regulation of plumbers consisting of 5 members: [~~2 master~~] **3 licensed** plumbers, one **of whom may be a** journeyman plumber, and 2 public members, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. A member of the board shall serve as the board secretary.

5 Quorum. Amend RSA 329-A:5 to read as follows:

329-A:5 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairman and a vice-chairman from among its members. A quorum of the board shall consist of not less than 3 members [~~, at least one of whom shall be a public member~~].

6 Fees. Amend RSA 329-A:5-a to read as follows:

329-A:5-a Fees. The board shall establish fees for [~~examination of applicants, for~~] licensure [~~and for~~], renewal of licensure, **and late renewal of licensure** to practice under this chapter, for certification [~~and~~], renewal of certification, **and late renewal of certification** under this chapter, **for initial apprentice identification cards and renewal of apprentice identification cards, for inspections done pursuant to RSA 329-A:17, for copies of the state plumbing code, for letters of verification requested by other jurisdictions relating to licensure and certification, for any courses, workshops, and seminars offered by the board,** and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. The fee for the annual renewal of certification issued to persons certified as water treatment technicians shall not be more than the fee for the annual renewal of licenses issued to journeyman plumbers.

7 Examinations. Amend RSA 329-A:7 to read as follows:

329-A:7 Examinations; Licenses and Certificates. [~~The board shall have authority to examine and license master plumbers and journeyman plumbers, and to certify water treatment technicians. When issued, such license shall be valid throughout the state, and the licensee shall be entitled to perform the work of a master or journeyman plumber, as the case may be, anywhere within the state without any payment or additional fee. Each applicant for a license shall present to the secretary of the board on a blank furnished by the board a written application for license, containing such information as the board may require, accompanied by the required fee. Such examinations shall be held at such times and places as the board shall determine.~~] **The board shall establish through rulemaking, pursuant to RSA 541-A, the nature of the examinations required for issuance of master plumber licenses, journeyman plumber licenses, and certifications as a water treatment technician, respectively.** The scope of such examinations and the methods of procedure shall be prescribed by the board, provided that the scope of examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems.

8 Reexamination; Fee Removed. Amend RSA 329-A:8 to read as follows:

329-A:8 Licenses; Master Plumbers. Any person who, having held a journeyman plumber's license for at least 6 months, shall, upon the payment of [~~a fee~~] **the fees** established by the board, be entitled to an examination and, if found qualified by a majority of the board members, be licensed as a master plumber. A license issued under this section shall be publicly displayed at the licensee's principal place of business for as long as such business continues. Any person refused a license may be reexamined as often as such person may desire [~~upon payment of a fee established by the board~~].

9 Reexamination; Fee Removed. Amend RSA 329-A:9 to read as follows:

329-A:9 Licenses; Journeyman Plumbers. Any person who, having successfully completed his or her apprenticeship in plumbing, has received an official completion certificate from the organization conducting the program shall, upon payment of [~~a fee~~] **the fees** established by the board, be entitled to examination and, if found qualified by a majority of the board members, be licensed as a journeyman plumber. A license issued under this section shall be carried on the person licensed and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined as often as he or she may desire [~~upon payment of a fee established by the board~~].

10 Water Treatment Technicians. Amend RSA 329-A:9-a to read as follows:

329-A:9-a Certification of Water Treatment Technicians; Examinations.

I. Any person who has acted as a water treatment trainee for a period of not less than one year shall, upon payment of [~~a fee~~] **the fees** established by the board, be entitled to examination and, upon achieving the passing score on the examination, be certified as a water treatment technician. A certificate issued under this section shall be carried on the person and displayed at any time upon request. Any person failing

to achieve the passing score on the examination may be examined as often as he or she may desire[~~upon payment of a fee established by the board. The scope of such examination and the methods of procedure shall be prescribed by the board, provided, however, that the scope of the examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems~~].

II. The title "certified water treatment technician" shall be used only by persons *and business entities* certified under this chapter. No person shall continue to represent himself or herself *and no business entity shall continue to represent itself* as a certified water treatment technician after certification has been revoked or nonrenewed under this chapter.

III. The board may issue, *upon payment of the required fees*, certification without examination to a corporation, partnership, limited liability company, or other business entity that installs, maintains or repairs water treatment systems, provided the entity designates one employee certified under this chapter who is responsible for the entity's compliance with this chapter and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee certified under this chapter, the entity shall not represent itself as employing certified water treatment technicians until some other employee has obtained certification. Notwithstanding any other provision of this chapter, the board shall not require an additional fee for an entity that installs, maintains, or repairs water treatment systems where the person certified under this chapter is the sole owner of the entity

IV. The board may issue certification without examination to those water treatment technicians who provide adequate documentation of having operated in the capacity of a water treatment technician for a period of at least one year prior to January 1, 2004 and who pay the required fees.

11 New Section; Apprentice Plumbers. Amend RSA 329-A by inserting after section 9-a the following new section:

329-A:9-b Apprentice Plumbers. Apprentice plumbers shall obtain an identification card from the board and be subject to fees for such identification card and for renewed identification cards as adopted by the board pursuant to RSA 541-A. Apprentice identification cards shall expire each year on the last day of the month of the apprentice's birth. The board shall renew the identification cards of apprentice plumbers if they continue to be engaged in the learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship council.

12 Licenses Without Examination. RSA 329-A:10 is repealed and reenacted to read as follows:

329-A:10 Licenses Without Examination. The board may issue, upon payment of the required fee, appropriate licenses without examination to a corporation, partnership, or limited liability company engaged in the business of plumbing, provided one or more officers of the corporation, one or more members of the partnership, or one or more managing members of the limited liability company, holds a master plumber's license under this chapter. Within 30 days after the death or withdrawal of the licensed person as a corporate officer or member of the partnership, he, she, or it shall give notice thereof to the board and, if no other officer or partner is a licensed master plumber, the corporation or partnership shall not act as a master plumber until some other officer or member has obtained a license. Notwithstanding any other provision, the board shall not require a fee for a corporation engaged in plumbing where a licensed master plumber is the sole shareholder of the corporation.

13 Expiration and Renewal. RSA 329-A:11 is repealed and reenacted to read as follows:

329-A:11 Expiration and Renewal.

I. Licenses and certificates issued by the board shall expire each year on the last day of the month of the holder's birth.

II. Licenses issued to corporations, partnerships, and limited liability companies shall expire on the last day of January of each year.

III. The board shall renew the licenses and certificates of eligible applicants upon the payment of the required fee and documentation of having met continuing education requirements and any other eligibility requirements established by the board pursuant to RSA 541-A.

IV. The board is authorized to offer continuing education courses, workshops, and seminars.

14 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***;

15 Disciplinary Action; Another Jurisdiction. Amend RSA 329-A:12, II(h) to read as follows:

(h) Suspension or revocation of a license **or certification**, similar to one issued under this chapter, in another jurisdiction and not reinstated.

16 Exceptions. Amend RSA 329-A:13 to read as follows:

329-A:13 Exceptions. The provisions of this chapter shall not apply to the following persons while performing plumbing work under the circumstances specifically described hereinafter; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the ~~[rules and regulations promulgated by the authority of RSA 330:12]~~ **state plumbing code**.

~~I. [To a person who has been actively engaged in the business of a master plumber or journeyman plumber on July 1, 1977, and who has been a resident of this state for at least one year immediately preceding the date of his application. Such person shall not be required to submit to an examination if he applies for a license before July 1, 1980, but shall be issued a license upon filing an application and paying the initial fee.]~~

~~H.]~~ To regular employees of public utilities, as defined in RSA 362:2, when working as such.

~~[H.]~~ **II.** To a person, **firm, corporation, or limited liability company** who regularly employs a ~~[main-~~
~~tenance man]~~ **person** whose duties include installation and maintenance of plumbing on the property of that person, **firm, corporation, or limited liability company**, when such employee is actually so engaged.

~~[IV.]~~ **III.** To ~~[an]~~ **a property owner** or ~~[his]~~ **the property owner's** agent who installs, repairs, or replaces plumbing in ~~[his]~~ **the property owner's** own **single-family detached or townhouse** residence or any **property owner** or ~~[his]~~ **property owner's** agent who makes minor installations, repairs, or replacements to **the owner's** property ~~[owned by him]~~.

~~[V.]~~ **IV.** To persons engaged in the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas, or electric, and persons engaged in the installation and servicing of water treatment systems or swimming pools.

~~[VI.]~~ **V.** To any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board for the licensing and regulation of plumbers. Any person nominated by the state board shall hold a master's license issued by the board.

~~[VII.]~~ **VI.** To employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment.

17 Rulemaking. RSA 329-A:14 is repealed and reenacted to read as follows:

329-A:14 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The design and content of all forms and applications required under this chapter.

II. The application procedure and any eligibility requirements in addition to those in this chapter for a license to practice plumbing under this chapter and for license renewal and license reinstatement.

III. The application procedure and any eligibility requirements in addition to those in this chapter for certification as a certified water treatment technician and for renewal of certification and reinstatement of certification.

IV. The establishment of all fees required under this chapter.

V. Ethical and professional standards required to be met by each holder of a license or certification to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.

VI. How plumbing apprentices are to apply for and receive their initial and renewal identification cards.

VII. Standards for continuing education.

VIII. Matters related to the proper administration of this chapter.

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

18 State Plumbing Code. RSA 329-A:15 is repealed and reenacted to read as follows:

329-A:15 State Plumbing Code. The state plumbing code shall be that portion of the New Hampshire state building code, as defined in RSA 155-A, that pertains to plumbing.

19 Enforcement. Amend RSA 329-A:16 to read as follows:

329-A:16 Enforcement.

I. The [rules adopted pursuant to RSA 329-A:15, I.] state plumbing code shall be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce rules more stringent than the [rules adopted under RSA 329-A:15, I] state plumbing code. In the absence of a building inspection department or officer designated to enforce the state plumbing code, the board shall have the authority to enforce the state plumbing code.

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.

20 Gender Neutral. Amend RSA 329-A:17, IV to read as follows:

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work on the installation upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

21 Penalties. RSA 329-A:18 is repealed and reenacted to read as follows:

329-A:18 Penalties.

I. Any business entity or person who procures a plumbing license or water treatment certificate wrongfully or by fraud is guilty of a misdemeanor.

II. Any business entity which performs plumbing without a currently valid plumbing license, and any person who is not an apprentice and performs plumbing without a currently valid license, is guilty of a misdemeanor, unless the business entity or person has a license which has been expired for no more than 12 months, in which case such business entity or person is guilty of a violation.

III. Any business entity or person employing a person to perform plumbing when the employed person is not an apprentice and does not have a currently valid plumbing license is guilty of a misdemeanor, unless the employed person has a license which has been expired for no more than 12 months, in which case the employing business entity or person is guilty of a violation.

IV. Any business entity not certified as a water treatment technician which represents itself as so certified, and any person not certified as a water treatment technician who represents himself or herself as so certified, is guilty of a misdemeanor.

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

Amendment adopted.

Senator Boyce offered a floor amendment.

Sen. Boyce, Dist. 4

February 23, 2006

2006-1227s

10/05

Floor Amendment to SB 359-FN

Amend RSA 329-A:13, III as inserted by section 16 of the bill by replacing it with the following:

[IV:] III. To [an] a property owner or [his] the property owner's agent who installs, repairs, or replaces plumbing in [his] the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or [his] property owner's agent who makes minor installations, repairs, or replacements to the owner's property [owned by him].

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 399-FN, relative to the powers of state government in the event of a pandemic. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-2. Senator Roberge for the committee.

Public and Municipal Affairs

February 15, 2006

2006-1018s

01/10

Amendment to SB 399-FN

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

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

141-C:16-a **Closure**; Decontamination. The commissioner, *with the approval of the governor*, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] **and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health, or as is deemed necessary to prevent the spread of disease. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health.** Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

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

141-C:16-b Cancellation of Events. The commissioner, with the approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease, after consultation with the ethics committee established under RSA 141-C:24; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation.

3 New Section; Communicable Disease; Custody; Rationing. Amend RSA 141-C by inserting after section 17-a the following new section:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner, with the approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents existing within the state to ensure that such agents are distributed and utilized appropriately.

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

141-C:24 Ethics Committee.

I. There is hereby established an ethics committee to assist the commissioner in addressing ethical issues in the preparedness and response to public health instances such as the outbreak or potential outbreak of communicable disease.

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

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

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

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet as regularly as the chairperson shall direct.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues.

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

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

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

2006-1018s

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services, with the approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a shortage during a pandemic. Under this bill, the commissioner, with the approval of the governor, has the power to close public places during a pandemic. This bill also establishes a committee to assist the commissioner in addressing ethical issues under RSA 141-C.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 281-FN, establishing an organ and tissue donor registry. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 3-0. Senator Martel for the committee.

Transportation and Interstate Cooperation

February 15, 2006

2006-1000s

01/03

Amendment to SB 281-FN

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and dates of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and

tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided only with the prior written consent of the donor and shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

Amend RSA 263:41 as inserted by section 4 of the bill by inserting after paragraph II the following new paragraph:

III. An anatomical gift shall not be executed by a minor unless written consent of the minor's parent or guardian is provided to the division of motor vehicles.

Amendment adopted.

Senator Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

February 23, 2006

2006-1225s

01/09

Floor Amendment to SB 281-FN

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11:

9 Applicability. The donor registry created pursuant to this act shall be established at no cost to the state.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 325, making technical corrections to motor vehicle laws. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 6-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

February 15, 2006

2006-0998s

03/10

Amendment to SB 325

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

AN ACT making technical corrections and other changes to motor vehicle laws.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 11:

8 New Section; General Registration; Vehicle Sold to a Massachusetts Resident. Amend RSA 261 by inserting after section 56 the following new section:

261:56-a Vehicle Sold to a Massachusetts Resident. A retail vehicle dealer selling a vehicle to a resident of Massachusetts shall complete a form designed by the director that provides notification of the sale to the department. The retail vehicle dealer shall provide a copy to the customer, retain a copy, and return the original to the director.

9 New Paragraph; Walking Disability Plates; Motorcycles. Amend RSA 261:88 by inserting after paragraph II the following new paragraph:

II-a. A person with a walking disability may receive separate special number plates for each motorcycle owned by the person.

10 New Section; Equipment of Vehicles; Width; Snowplows. Amend RSA 266 by inserting after section 13 the following new section:

266:13-a Snowplows; Exception. A truck used for snow plowing may be driven on the ways of this state with a plow not exceeding 108 inches in width.

2006-0998s**AMENDED ANALYSIS**

This bill corrects various obsolete or incorrect references in the motor vehicle laws. This bill also requires retail vehicle dealers to notify the department of safety of vehicle sales to Massachusetts residents, permits a person to receive multiple walking disability motorcycle plates, and establishes an exception to vehicle width limitations for snowplows.

Amendment adopted.**The question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

SB 400-FN, relative to highway welcome signs. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-2. Senator Letourneau for the committee.

Senator Burling offered a floor amendment.**Sen. Burling, Dist. 5****February 22, 2006****2006-1176s****05/01****Floor Amendment to SB 400-FN**

Amend RSA 228:46-b as inserted by section 1 of the bill by replacing it with the following:

228:46-b Welcome Signs. Any highway welcome sign erected at the state border by the department of transportation after July 1, 2006 shall prominently display the state motto: "Live Free or Die." Nothing in this section shall require the department to replace existing highway welcome signs that do not include the state motto.

Amend the bill by replacing section 2 with the following:

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

Floor amendment failed.**The question is on the committee report of ought to pass.****Adopted.****Ordered to third reading.**

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax. Ways and Means Committee. Ought to pass with amendment, Vote 4-0. Senator Gallus for the committee.

Senate Ways and Means**February 15, 2006****2006-1028s****09/04****Amendment to SB 300-FN-A-LOCAL**

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

1 Tax on Transfer of Real Property; Exceptions. Amend RSA 78-B:2 by inserting after paragraph XVIII the following new paragraph:

XIX. To a transfer of title pursuant to a merger, consolidation, or reorganization of 2 or more organizations, each of which is exempt from federal income taxation under section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, where all such organizations have certified in advance of the transaction to the satisfaction of the commissioner of the department of revenue administration that, over the 3 fiscal years preceding the transfer, on average, a majority of their collective program service revenues have been received from federal, state, and/or local governmental sources.

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

2006-1028s**AMENDED ANALYSIS**

This bill exempts certain transfers of real estate between charitable organizations pursuant to a merger, consolidation, or reorganization of 2 or more organizations.

Amendment adopted.

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

Adopted.

Ordered to third reading.

RESOLUTION

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

Adopted.

LATE SESSION**Third Reading and Final Passage**

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

SB 281-FN, establishing an organ and tissue donor registry.

SB 282-FN-L, relative to removal of abandoned vehicles.

SB 296-FN, relative to recovery of public assistance.

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax.

SB 325, making technical corrections and other changes to motor vehicle laws.

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board.

SB 400-FN, relative to highway welcome signs.

HB 544, relative to the land and community heritage program.

ANNOUNCEMENTS**RESOLUTION**

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

Adopted.

In recess to the Call of the Chair.