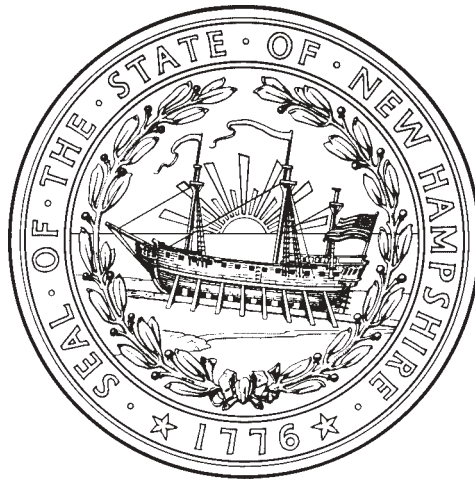


March 16, 2006
Nos. 7 - 8

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 9, 2006 SESSION
COMMENCEMENT – MARCH 16, 2006 SESSION

SENATE JOURNAL 7 (*Cont.*)

March 9, 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 624-FN, relative to penalties in certain health and health-related professions.

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

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

HB 1217, requiring the secretary of state to publish certain information on campaign contributions.

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order.

HB 1238-FN, relative to centralized voter registration database information.

HB 1278, increasing the fine for violating certain laws relative to labor.

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

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

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

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot.

HB 1407, relative to funding exotic aquatic weeds eradication and control.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.

HB 1627, relative to the assessment of open space land.

HB 1660-FN, regulating identity theft.

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

HB 1751, relative to penalties for failure to have workers' compensation coverage.

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve.

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

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

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 624-FN to HCR 25**, 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 624-FN, relative to penalties in certain health and health-related professions. (Executive Departments and Administration)

HB 1155, creating a violation for failure to pay a highway toll. (Transportation and Interstate Cooperation)

HB 1174, requiring that voters who request a secret ballot be present at the town meeting. (Public and Municipal Affairs)

HB 1217, requiring the secretary of state to publish certain information on campaign contributions. (Internal Affairs)

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. (Transportation and Interstate Cooperation)

HB 1238-FN, relative to centralized voter registration database information. (Internal Affairs)

HB 1278, increasing the fine for violating certain laws relative to labor. (Banks and Insurance)

HB 1320, relative to penalties for planning and zoning violations. (Public and Municipal Affairs)

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

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. (Public and Municipal Affairs)

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. (Internal Affairs)

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. (Environment and Wildlife)

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. (Banks and Insurance)

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. (Executive Departments and Administration)

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. (Transportation and Interstate Cooperation)

HB 1627, relative to the assessment of open space land. (Energy and Economic Development)

HB 1660-FN, regulating identity theft. (Judiciary)

HB 1715-FN, relative to funding of the professional assistance program of dentists. (Executive Departments and Administration)

HB 1751, relative to penalties for failure to have workers' compensation coverage. (Banks and Insurance)

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve. (Executive Departments and Administration)

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

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. (Energy and Economic Development)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 8

March 16, 2006

The Senate met at 10:00 a.m.

A quorum was present.

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

Gracious Creator, remind us that You have crafted each one of us in Your own image and likeness, on the inside, more than on the outside. May we build this day upon that too often hidden scaffolding that shapes us and supports us and dignifies us, when we are aware of it and when we are not, for that is the only reliable framework of our hope.
Amen

Senator Roberge led the Pledge of Allegiance.

INTRODUCTION OF GUESTS 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 CACR 44, 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

06-3065

CACR 43, relating to the cost of education. Providing that the legislature shall determine and define the content, extent, and funding of education. (Gatsas, Dist 16; Clegg, Dist 14; Gallus, Dist 1; Bragdon, Dist 11; Barnes, Dist 17; Morse, Dist 22; Johnson, Dist 2; Eaton, Dist 10; Boyce, Dist 4; Roberge, Dist 9; Green, Dist 6; Flanders, Dist 7; Kenney, Dist 3; Martel, Dist 18: Finance)

06-3066

CACR 44, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use. (Green, Dist 6; Giuda, Graf 5: Finance)

COMMITTEE REPORTS

SB 268, raising the age of required attendance of children in school. Education Committee. Ought to pass with amendment, Vote 3-2. Senator Green for the committee.

Senate Education
March 7, 2006
2006-1291s
04/05

Amendment to SB 268

Amend RSA 193:1, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The child is receiving home education ***and is therefore exempt from this requirement,*** [or]

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 Home Education; Definitions. Amend RSA 193-A:1, I to read as follows:

I. "Child" means a child or children at least 6 years of age and under [16] **18** years of age who is a resident of New Hampshire.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 1503, relative to financial programs administered by the postsecondary education commission. Education Committee. Ought to Pass, Vote 5-0. Senator Eaton for the committee.

Adopted.

Ordered to third reading.

HB 162, relative to general rules for vessels operating on water. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-1. Senator Letourneau for the committee.

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

A roll call was requested by Senator Johnson.

Seconded by Senator Larsen.

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

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

Yeas: 15 - Nays: 9

The committee report of inexpedient to legislate is adopted.

HB 1154-FN, relative to eligibility for special number plates for veterans. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HJR 24, supporting efforts for commuter rail in the state of New Hampshire. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-1. Senator Burling for the committee.

MOTION TO TABLE

Senator Clegg moved to have HJR 24 laid on the table.

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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

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

Yeas: 16 - Nays: 7

Adopted.

L Aid ON THE TABLE

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

SB 244, relative to alternative regulation of small incumbent local exchange carriers. Energy and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Boyce for the committee.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 8, 2006

2006-1303s

06/01

Floor Amendment to SB 244

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

AN ACT relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Abandoned Deposits. Amend the section heading and paragraph I of RSA 471-C:8 by replacing them with the following:

471-C:8 Deposits *and Other Payments* as Held by Utilities.

I. A deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid [~~in advance~~] for utility services [~~to be furnished,~~] less any lawful deductions, that *is due and owing but* remains unclaimed by the owner for more than one year after termination of the services for which the deposit or [~~advance~~] payment was made is presumed abandoned.

2006-1303s

AMENDED ANALYSIS

This bill modifies the rate requirements that a small incumbent local exchange carrier must meet to qualify for alternative regulation by the public utilities commission and corrects an RSA subdivision heading.

This bill also clarifies the presumption of abandoned deposits.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 244.

MOTION OF RECONSIDERATION

Senator Barnes, having voted with the prevailing side, moved reconsideration of HJR 24 whereby it was laid on the table.

Adopted.

MOTION TO TABLE

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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

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

Yeas: 17 - Nays: 7

Adopted.

LAID ON THE TABLE

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

HB 669-FN, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services. Energy and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Letourneau for the committee.

Energy and Economic Development

March 8, 2006

2006-1299s

06/01

Amendment to HB 669-FN

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

(b) One member of the senate, appointed by the president of the senate.

MOTION TO TABLE

Senator Letourneau moved to have HB 699-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 669-FN, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

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 Committee. Ought to Pass, Vote 4-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

HB 1471-FN, repealing the statutes relative to regional highway conferences. Energy and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

SB 250, relative to lead paint poisoning prevention. Environment and Wildlife Committee. Ought to pass with amendment, Vote 4-0. Senator Hassan for the committee.

Environment and Wildlife

March 7, 2006

2006-1284s

01/09

Amendment to SB 250

Amend the bill by deleting sections 7-11 and renumbering the original section 12 to read as 7.

Amend the bill by replacing section 7 with the following:

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

2006-1284s

AMENDED ANALYSIS

This bill clarifies enforcement procedures regarding orders of lead hazard reductions.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 386, relative to large groundwater withdrawals. Environment and Wildlife Committee. Ought to pass with amendment, Vote 4-0. Senator Barnes for the committee.

Environment and Wildlife

March 7, 2006

2006-1285s

06/01

Amendment to SB 386

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

1 New Paragraph; Definitions; Large Groundwater Withdrawal Added. Amend RSA 485-C:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Large groundwater withdrawal" means any withdrawal from groundwater of 57,600 gallons or more of water in any 24-hour period at a single property or place of business.

2 New Paragraph; Duties of the Department; Groundwater Management in the Public Trust Added. Amend RSA 485-C:3 by inserting after paragraph V the following new paragraph:

VI. Manage and preserve the state's groundwater on behalf of the citizens of the state, recognizing that any private use of groundwater and other public waters shall be reasonable in light of the protected interests of the general public in the use and enjoyment of groundwater and other public waters by ensuring that no unmitigated adverse impact, as defined in this chapter, occurs.

3 Groundwater Protection Act; Rulemaking Amend RSA 485-C:4, XII (a) to read as follows:

(a) Criteria and procedures for requiring persons to identify and address impacts of withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the ~~[anticipated zone of contribution to the]~~ ***potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e.***

4 Groundwater Protection Act; Notification Required. Amend RSA 485-C:14-a to read as follows:

485-C:14-a Notification of Large Groundwater Withdrawal Required. Notwithstanding any provision of law to the contrary, before any person may withdraw 57,600 gallons or more of water in any 24-hour period from a well, such person shall provide written notice to the governing body of the municipality in which the well is located and to the governing bodies of each municipality and each supplier of water within the ~~[anticipated zone of contribution to the well]~~ ***potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e.*** This section shall apply only to wells established after the effective date of this section.

5 Groundwater Protection Act; Approval for Large Groundwater Withdrawals. Amend RSA 485-C:21 to read as follows:

485-C:21 Approval for Large Groundwater Withdrawals.

I. No person may withdraw 57,600 gallons or more of water in any 24-hour period from a well sited after the effective date of this section without the prior approval of the department.

II. Applications for approval of water withdrawals of 57,600 gallons or more per day shall be filed with the department on a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application and any subsequent materials submitted to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the ~~[anticipated zone of contribution to the well]~~ ***potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e.*** The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.

III. Following the submission of the application, the department shall hold a public hearing on the application in the municipality in which the proposed withdrawal is to be made upon the request of the governing body of any municipality or supplier of water within the ~~[anticipated zone of contribution]~~ ***potential impact area***, provided that such a hearing is requested within 15 days of receipt of the application.

IV. The department shall hold the public hearing within 30 days after the request of the governing body of the municipality or the supplier of water made pursuant to paragraph III. Notice of the hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality.

V. The applicant and the governing body of each municipality and each supplier of water within the ~~[anticipated zone of contribution to]~~ ***potential impact area*** of the well may submit comments to the department relative to the proposed withdrawal within 45 days after the public hearing in the municipality or, if no hearing is requested, within 45 days after the receipt of the application. If the comments relative to the application make recommendations to the department, the department shall specifically consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

V-a. Upon the request of the governing body of a municipality within the ~~[anticipated zone of contribution]~~ ***potential impact area***, the department shall hold a public hearing, after receipt of the final report, and prior to a final decision. The department shall notify the municipalities within 10 days of receiving the final report. The municipalities shall have 15 days within which to request a public hearing. Notice and response to hearing requests shall be the same as that required under paragraph IV.

V-b. The department's decision on the application shall be based on a demonstrated need for the withdrawal after review of:

- (a) A description of the need.
- (b) A conservation management plan.
- (c) A conceptual hydrologic model of the withdrawal.
- (d) A water resource and use inventory.
- (e) The effects of the withdrawal on water resources and uses.
- (f) Completion of a withdrawal testing program.
- (g) Development of an impact monitoring and reporting program.
- (h) Identification of potential mitigation measures.

V-c. In order to preserve the public trust, no large groundwater withdrawal shall cause an unmitigated impact including:

(a) Reducing the withdrawal capacity of a private water supply well of a single residence as a result of the reduction of available water that is directly associated with the withdrawal, including:

(1) Any reduction in capacity for wells with a capacity less than water well board recommended optimum minimum flow capacity of 4 gallons per minute for 4 hours before the withdrawal;

(2) Any reduction in capacity below 4 gallons per minute for 4 hours, for wells that had a capacity greater than 4 gallons per minute for 4 hours, before the withdrawal; or

(3) A reduction in capacity where the well still has a capacity between 4 gallons and 10 gallons per minute for 4 hours and the user provides information indicating that the reduction in flow has resulted in the inability to meet their water needs;

(b) Reducing the capacity of a public, drinking water supply below the minimum withdrawal rates required per consumer determined by the following:

(1) Minimum daily amounts of drinking water shall be determined per use based on the design flow criteria established for public water supply systems established in rules adopted by the department; or

(2) Where it is verified that such wells were unable to produce the design flow before the withdrawal began, the adverse impact shall be any reduction in the ability to produce water;

(c) Reducing the capacity of a water supply that is used for a multiple unit dwelling residence, but that is not a public water supply, that results in the inability to continue established activities or maintain existing water capacity requirements;

(d) Reducing the capacity of a private, non-residential, non-drinking water supply that results in the inability of a commercial, industrial, or retail facility to continue established services or production volumes;

(e) Reducing the ability of a registered water user to produce volumes equivalent to the average daily withdrawal for a specific calendar month as determined by discharge measurements and reports made to the department in accordance with the water user requirements under RSA 488 or other previous water use reporting requirements of the department;

(f) Reducing surface water levels or flows that will, or do, cause a violation of surface water quality rules adopted by the department;

(g) Causing a net loss of values for submerged lands under tidal and fresh waters and its wetlands as set forth in RSA 482-A;

(h) Causing the inability of permitted surface water or groundwater discharges to meet permit conditions;

(i) Reducing river flows below acceptable levels established pursuant to RSA 483;

(j) Causing the contamination of groundwater obtained from wells or surface waters from contaminated groundwater whose flow has been altered by the withdrawal, or cause the contamination of an aquifer or contribute to the spread of any existing contamination;

(k) Causing the long-term predictable rate of replenishment of the aquifer that is the source of the withdrawal to be exceeded.

V-d. Terms and conditions of approval for a large groundwater withdrawal may be altered by the department to accommodate for drought conditions or new withdrawals.

V-e. Applications for large groundwater withdrawals shall be accompanied by an impact assessment of the potential impact area of the proposed withdrawal to demonstrate the preservation of the public trust as set forth in paragraph V-c. The impact assessment shall include at a minimum the following:

(a) The maximum extent of the cone of depression created by the withdrawal with the assumption of a conceptual hydrological model condition of 180 days of continuous pumping at maximum volumes without recharge from rainfall or snowmelt;

(b) The maximum extent of the recharge area for the withdrawal with the assumption of a conceptual hydrologic model condition of 180 days of continuous pumping at maximum volumes without recharge from rainfall or snowmelt; and

(c) The downgradient area of the withdrawal which shall include:

(1) An existing or new delineation of a potential impact area large enough so that the size of the entire study area for the withdrawal is at least 10 times the size of the recharge area for the withdrawal;

(2) An existing or new delineation of a watershed where the amount of water crossing the downgradient boundary, that is, leaving the study under current conditions, is at least 10 times the amount to be withdrawn; or

(3) An alternative method of estimating a potential impact area provided it relies on conservative assumptions, is demonstrated as appropriate for the site by test results, and is clearly explained and justified.

VI. (a) Decisions of the department may be appealed in accordance with RSA 21-O:7, IV.

(b) Any party shall have the right to appeal from the decision of the water council to the superior court of the country in which the large groundwater withdrawal is to be made to determine the validity and the reasonableness of the department's action on the permit. The appeal shall be filed within 60 days after the decision of the water council. The appeal shall suspend the decision of the department pending the outcome of a preliminary hearing. The appeal, so far as practicable, shall have precedence over other actions in the same court.

VII. Records of public hearings shall be available pursuant to RSA 91-A.

VIII. Before the department issues a large groundwater withdrawal permit, any municipality in which a well is sited or proposed to be sited, or any municipality within the potential impact area of the proposed withdrawal pursuant to paragraph V-e, may require the department to determine that the withdrawal will not infringe on the public's use of groundwater, including any contribution to wetlands and surface waters, by ensuring that the requirements of paragraph V-c are met. The department's determination shall be based on substantial evidence and shall include the methods, evidence, and data it used to support its judgment.

IX. The department shall allow any municipality showing that it may be substantially and specifically affected by a proceeding under this chapter to intervene as a party in the whole or any portion of the proceeding and shall allow the municipality to participate by presentation of argument orally or in writing or for any other purpose, as the department may order. A municipality that intervenes before the department shall retain its status through any appeal of the department's decision.

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

Amendment adopted.

The question is on the adoption ought to pass as amended.

MOTION TO TABLE

Senator Morse moved to have SB 386 laid on the table.

A division vote was requested.

Yeas: 11 – Nays: 13

Motion failed.

The question is on the adoption ought to pass as amended.

A roll call was requested by Senator Boyce.

Seconded by Senator Larsen.

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

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

Yeas: 19 - Nays: 5

Adopted.

Ordered to third reading.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Kenney for the committee.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

March 16, 2006

2006-1416s

05/01

Floor Amendment to HB 719-FN

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

AN ACT recodifying the Articles 1 and 7 of the Uniform Commercial Code and relative to lobbyist name tags.

Amend the bill by inserting after section 47 the following and renumbering the original section 48 to read as 49:

48 Repeal. RSA 15:2-a, II, relative to the name tag exemption for lobbyists testifying before a legislative committee, is repealed.

2006-1416s

AMENDED ANALYSIS

This bill:

I. Recodifies the Uniform Commercial Code Article 1 - General Provisions based on the 2001 revision of Article 1 by the National Conference of Commissioners on Uniform State Laws.

II. Recodifies the Uniform Commercial Code Article 7 - Documents of Title based on the 2003 revision of Article 7 by the National Conference of Commissioners on Uniform State Laws.

III. Repeals the name tag exemption for lobbyists testifying before a legislative committee.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Flanders moved to have SB 285-FN removed from the table.

Adopted.

SB 285-FN, equalizing the pay of administrative judges in the judicial branch.

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

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7

Sen. Green, Dist. 6

March 16, 2006

2006-1423s

10/09

Floor Amendment to SB 285-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 7, 2006 at 12:01 a.m.

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 343, relative to emergency contraception. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-3. Senator Martel for the committee.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Boyce, Burling, Green, Flanders, Odell, Eaton, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

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

Yeas: 14 - Nays: 10

The committee report of inexpedient to legislate is adopted.

Senator Boyce requested the record show he intended to vote no on the motion inexpedient to legislate. Senator Boyce did not seek the courtesy of reconsideration on SB 343.

SCR 6, urging Congress to take legislative action regarding embryonic stem cell research. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-3. Senator Martel for the committee.

The committee report of inexpedient to legislate failed.

Senator Estabrook moved ought to pass.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

March 16, 2006

2006-1420s

01/03

Floor Amendment to SCR 6

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION urging Congress to support stem cell research.

Amend the resolution by replacing all after the title with the following:

Whereas, an estimated 128,000,000 Americans suffer from the crippling physical, economic, and psychological burdens of chronic, degenerative, and acute diseases, including diabetes, Parkinson's disease, cancer, and Alzheimer's disease; and

Whereas, chronic, degenerative, and acute diseases result in extreme human loss and suffering for those who suffer from them and their families and caregivers, and result in hundreds of billions of dollars annually in medical treatment and lost productivity costs; and

Whereas, stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and is a critical means to explore the fundamental questions of biology and could lead to improved treatments and potential cures for diabetes, Parkinson's disease, Alzheimer's disease, spinal cord injuries, burns, cancer, heart disease, and other diseases; and

Whereas, the United States has historically taken a leading role in funding biomedical research and has been a haven for open scientific inquiry and technological innovation, and, as a result, is the preeminent world leader in biomedicine and biotechnology; now, therefore, be it:

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court hereby urges Congress to support stem cell research; and

That copies of this resolution be sent by the senate clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and the New Hampshire congressional delegation.

2006-1420s

AMENDED ANALYSIS

This senate concurrent resolution urges Congress to support stem cell research.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Estabrook.

Seconded by Senator Barnes.

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

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

Yeas: 14 - Nays: 10

Floor amendment adopted.

MOTION TO TABLE

Senator Larsen moved to have SCR 6 laid on the table.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

The following Senators voted Yes: Gallus, Burling, Odell, Eaton, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

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

Yeas: 11 - Nays: 13

Motion failed.

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

Adopted.

Ordered to third reading.

HB 312, relative to the appointment of parenting coordinators. Health and Human Services Committee. Ought to Pass, Vote 6-0. Senator Kenney for the committee.

MOTION TO TABLE

Senator Kenney moved to have HB 312 laid on the table.

Adopted.

LAID ON THE TABLE

HB 312, relative to the appointment of parenting coordinators.

HB 325, relative to proceedings under the Child Protection Act. Health and Human Services Committee. Ought to pass with amendment, Vote 6-0. Senator Gallus for the committee.

Health and Human Services

March 7, 2006

2006-1277s

09/01

Amendment to HB 325

Amend section 2 of the bill by inserting after RSA 169-C:12-d the following new section:

169-C:12-e Confidentiality of Health Care Records During Investigation. If a health care provider has records or evidence relating to the investigation of acts suspected pursuant to this chapter, such health care records may be withheld from the parents or guardian by the provider pending the lawful investigation of alleged abuse or crimes. During the investigation, other health information may be released at the provider's discretion, upon appropriate consent, to fulfill the purposes of comprehensive medical care of the child. Upon conclusion of the investigation, the provider, parent, guardian, the division, or law enforcement may petition the court for continuation of such protection of the child's health records, subject to court review of the conditions related to the child's present and future safety and the child's reasonable expectation of privacy in the course of health treatment. Notwithstanding the provisions of this section, specific or limited evidence which is used in proceedings pursuant to this chapter shall be subject to the court's applicable rules of evidence, including discovery.

2006-1277s

AMENDED ANALYSIS

This bill changes the filing deadlines for certain reports and records to 5 business days prior to a child abuse or neglect hearing. The bill establishes certain requirements for medical examinations of children who are alleged to have been abused or neglected. This bill requires interviews of children who may be victims of child abuse or neglect to be videotaped or audio recorded in their entirety.

The bill also temporarily suspends a suspected parent's access to a child's medical records while an alleged child abuse or neglect case is investigated.

MOTION TO TABLE

Senator Gallus moved to have HB 325 laid on the table.

Adopted.

LAID ON THE TABLE

HB 325, relative to proceedings under the Child Protection Act.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

MOTION TO TABLE

Senator Fuller Clerk moved to have HB 590 laid on the table.

A division vote was requested.

Yeas: 7 - Nays: 14

Motion failed.

MOTION TO TABLE

Senator Flanders moved to have HB 590 laid on the table.

A division vote was requested.

Yeas: 9 - Nays: 14

Motion failed.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Larsen.

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

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

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

HB 1118, requiring paper ballots at all elections. Internal Affairs Committee. Ought to pass, Vote 4-0. Senator Bragdon for the committee.

Adopted.

Ordered to third reading.

SB 382, relative to the guardian ad litem board. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Foster for the committee.

Senate Judiciary

March 7, 2006

2006-1283s

09/01

Amendment to SB 382

Amend RSA 490-C:4, I(g) as inserted by section 3 of the bill by replacing it with the following:

(g) Investigate and resolve complaints against certified guardians ad litem, **and against formerly certified guardians ad litem who are claimed to have engaged in acts or omissions prohibited when certified.** The board may, upon the [filing] **submission** of a **written allegation or** complaint against a **presently or formerly** certified guardian ad litem who holds, **held, or may hold** an appointment in a case under the authority of a court, refer that matter [for appropriate investigation and resolution by the appointing] to the appropriate court **for investigation, resolution, or other action.** Such referral may be **made regardless of whether the allegation or complaint relates to a case which is then pending in court and may be made** in lieu of or in addition to [the] **any** investigatory or disciplinary procedures [of] **that** the board **may itself be authorized to pursue.** The board may further informally resolve complaints by agreement. **A complaint relating to a trial or judicial proceeding in progress shall be dismissed without prejudice, unless the board for good cause votes to proceed immediately with such complaint.**

Amend RSA 490-C:4, II(k) as inserted by section 3 of the bill by replacing it with the following:

(k) Establish procedures and requirements relative to the maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.

Amend RSA 490-C:5, II(h) as inserted by section 4 of the bill by replacing it with the following:

(h) Procedures and requirements relative to maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.

Amend RSA 490-C:5-a, I as inserted by section 5 of the bill by replacing it with the following:

I. To be eligible for **initial** certification, [~~conditional certification, temporary certification,~~] recertification, reinstatement, or renewal of certification, as a guardian ad litem under this chapter, an applicant shall be of good character and shall meet such criteria or requirements as may be established by the board.

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

(d) The board, *its representatives or its agents* may, *without a specific court order*, disclose to any [New Hampshire] court [with the authority to] *that* [appoint] *appoints* [a] *or oversees* [guardian] *guardians* ad litem, *or any other entity or group* which possesses oversight authority over *any type of* [the] professional [activities] *activity* of [individuals] *persons* who may serve as a guardian ad litem, any records, documents, or information in the possession of the board, *whether oral or in writing*, [relating to a certified guardian ad litem, an applicant for certification, or a formerly certified guardian ad litem:] *including but not limited to that information described in RSA 490-C:4, II(b), unless such disclosure is prohibited by court order. In assessing whether or not to make a disclosure or engage in a communication under this subparagraph, consideration shall be given to whether or not it is likely that information conveyed will be further disseminated in a manner contrary to New Hampshire law.*

Amend the introductory paragraph of RSA 490-C:5-b, VI(b) as inserted by section 6 of the bill by replacing it with the following:

(b) Limitations, prohibitions, or instructions under subparagraph (a) may include, but need not be limited to, limitations or prohibitions on, or other instructions regarding, any one or more of the following:

Amend the introductory paragraph of RSA 490-C:5-b, VIII(a) as inserted by section 6 of the bill by replacing it with the following:

VIII.(a) In addition to any other procedures, including those under paragraph VI, which the board may apply at a hearing, proceeding, or other matter before the board, the board may also limit access to, or place limitations on, a person's use in a hearing, proceeding, or matter, of particular documents or materials if:

Amend RSA 490-C:5-c, II as inserted by section 7 of the bill by replacing it with the following:

II. In addition to paragraph I, the board, members of the board, the board's representatives and agents, including but not limited to presiding officers and investigators, and its employees, shall be immune from criminal action or penalties, and actions or penalties for the alleged commission of a violation, for the disclosure of confidential information, including but not limited to actions under laws imposing penalties for the disclosure of certain information in cases in which a guardian ad litem may be involved, or any law relative to the confidentiality of records, documents, or communications, provided that such action was undertaken in the good faith performance of official duties believed authorized under this chapter. This immunity shall not apply to actions commenced under RSA 490-C:5-b, IX, except in the case of communications between the board, its members, its representatives, or its agents, and a court.

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

9 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

2006-1283s

AMENDED ANALYSIS

This bill permits the guardian ad litem board to communicate with certain groups about guardians ad litem.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1225-FN-A, relative to the judicial branch family division for the Henniker and Hillsborough District Courts. Judiciary Committee. Ought to Pass, Vote 6-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 1654-FN, relative to the probate court mediation fund and fee. Judiciary Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 404, relative to retirement benefits, optional benefits, and the collection of overpayments by the Manchester employees' contributory retirement system. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Martel for the committee.

Public and Municipal Affairs

March 9, 2006

2006-1316s

10/03

Amendment to SB 404

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

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

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 Manchester Retirement System; Service Buybacks. Amend 1973, 218:10, III, as amended by 2002, 194:1, to read as follows:

III. A member who ceases to be a member, withdraws his or her member contributions pursuant to section 11 of this act, and later becomes a member again, may make a request after the member's return to city employment for service buyback of prior service credit for the previous time served as a member. ~~[No benefits other than the right to withdraw member contributions pursuant to section 11 of this act shall accrue with respect to such previous period of service until the member shall have completed 5 years of continuous service in the current period of employment.]~~ If a service buyback is not made, the member's benefit shall be based solely on the member's years of service and final average earnings after the break in service.

5 New Sections; Service Credit; Spousal Acknowledgment. Amend 1973, 218 as amended by 2002, 194 and 2005, 41 by inserting after section 28 the following new sections:

218:29 Credit for Service in Other Public Retirement Systems.

I. Notwithstanding any provision of this chapter to the contrary, any member of the Manchester Employees' Contributory Retirement System, in service on or after June 30, 2006, who was formerly a member of a public employees' retirement system elsewhere in the United States, shall be allowed to purchase credit for such service as creditable service in the Manchester Employees' Contributory Retirement System; provided, however, that creditable service in the Manchester Employees' Contributory Retirement System which is purchased under this paragraph shall not be deemed creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under section 28. For such members, only creditable service performed in the city of Manchester as a member of the Manchester Employees' Contributory Retirement System shall be counted as creditable service for the purpose of eligibility for medical and surgical benefits as a retired employee under section 28. For the purposes of this section, "public employees' retirement system" shall include any retirement system established and maintained by the United States government, the members of which are federal government employees. For the purposes of this section, any military service not otherwise authorized pursuant to section 10, paragraph I shall not be included as creditable service in a public employees' retirement system. The member shall meet the following conditions to purchase credit under this section:

(a) The member has terminated employment and active membership in the other public system and has become a member of the Manchester Employees' Contributory Retirement System; and

(b) The member applies for service credit, on a form designated by the board; and

(c) The member provides such information and certification from the other public employer and other public retirement system as the board may require; and

(d) The member pays to the Manchester Employees' Contributory Retirement System the full cost for buy-in of creditable service as provided in section 10, paragraph VI, including prepayment of any actuarial calculation fee as determined by the board; and (e) The amount of creditable service purchased shall be either the full length of service rendered in the other system or a pro-rata portion of such service purchasable with the maximum amount which the member is permitted to withdraw from the other system; and

(f) In no case shall the creditable service purchased exceed the service time rendered in the other public system, or include any service period for which the member remains eligible for benefits in the other public system.

II. Upon certification by the Manchester Employees' Contributory Retirement System of eligibility for other public system service credit, and upon payment by the member of the cost of such credit, and with the approval of the board of trustees, the member shall receive credit for such other public system service.

III. In no case shall other public employees' retirement system service purchased as creditable service in the Manchester Employees' Contributory Retirement System under the provisions of this section be deemed to be creditable city service for the purposes of eligibility for longevity or other benefits solely within the discretion of the city of Manchester.

218:30 Spousal Acknowledgment. Any application for any type of benefit under this act, including but not limited to retirement benefits, return of contributions, or disability retirement allowances shall include a statement made by the spouse of the member, if any, acknowledging that the spouse has read and understands the provisions of this act concerning the benefits and payments options and the benefit and payments options, if any, the member has elected to receive. Such statements shall be signed in the presence of a notary public or retirement system employee.

2006-1316s

AMENDED ANALYSIS

This bill makes changes to the Manchester employees' contributory retirement system including:

- I. Clarifying the calculation of benefits and optional benefits.
- II. Providing for the correction, collection, and compromise of overpayments of benefits.
- III. Establishing credit for service in other public retirement systems.
- IV. Requiring spousal acknowledgments.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 581, relative to approval and review of municipal charters. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 645-FN, relative to fire-safer cigarettes. Public and Municipal Affairs Committee.

Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

MOTION TO REMOVE FROM THE TABLE

Senator Fuller Clark moved to have SB 316-FN-L removed from the table.

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

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Barnes.

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

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

Yeas: 10 - Nays: 14

Motion failed.

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund. Finance Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Finance
March 13, 2006
2006-1338s
06/09

Amendment to SB 103-FN-A-LOCAL

Amend the bill by replacing section 6 with the following:

6 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services dam maintenance fund, established under RSA 482:55, for the fiscal year ending June 30, 2007. This sum is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2006-1338s

AMENDED ANALYSIS

This bill establishes a committee to study alternatives for funding the operation and maintenance of state owned dams. This bill also makes an appropriation to the department of environmental services dam maintenance fund.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 225-FN-A, relative to horse and dog racing. Finance Committee. Ought to Pass, Vote 3-2. Senator D'Allesandro for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator D'Allesandro.

The following Senators voted Yes: Johnson, Kenney, Burling, Flanders, Roberge, Eaton, Bragdon, Gottesman, Foster, Larsen, Martel, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

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

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 4-1. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

SB 305-FN, relative to the regulation of recreational therapists. Finance Committee. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

SB 307-FN, relative to catastrophic special education funding. Finance Committee. Inexpedient to Legislate, Vote 3-2. Senator Morse for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Green.

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

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

Yeas: 12 - Nays: 11

The committee report of inexpedient to legislate is adopted.

Senator Flanders was excused for this vote.

SB 308-FN-A-L, making an appropriation for school building aid. Finance Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 309-FN-A, establishing a commission to study inclusion of service as a part-time district court judge in the calculation of retirement benefits. Finance Committee. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

MOTION TO TABLE

Senator Larsen moved to have SB 309-FN-A laid on the table.

Adopted.

LAIID ON THE TABLE

SB 309-FN-A, establishing a commission to study inclusion of service as a part-time district court judge in the calculation of retirement benefits.

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

SB 350-FN, relative to boarding kennels. Finance Committee. Ought to Pass, Vote 5-0. Senator Morse for the committee.

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

A roll call was requested by Senator Boyce.

Seconded by Senator Barnes.

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

The following Senators voted No: Boyce, Gottesman, Foster, D'Allesandro, Estabrook.

Yeas: 18 - Nays: 5

Adopted.

Ordered to third reading.

Senator Flanders was excused for this vote.

SB 353-FN, relative to registration of criminal offenders convicted of homicide. Finance Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 365-FN, relative to the lottery commission. Finance Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Finance
March 13, 2006
2006-1343s
08/09

Amendment to SB 365-FN

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

AN ACT establishing a committee to study the lottery commission's authority to operate and advertise, as well as incentive caps and payout restrictions on prizes.

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

1 Committee Established. There is established a committee to study the lottery commission's authority to operate and advertise, as well as incentive caps and payout restrictions on prizes.

2 Membership and Compensation.

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

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

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

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the lottery commission's authority to operate and advertise, as well as incentive caps and payout restrictions on prizes.

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

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

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

2006-1343s

AMENDED ANALYSIS

This bill establishes a committee to study the lottery commission's authority to operate and advertise, as well as incentive caps and payout restrictions on prizes.

MOTION TO TABLE

Senator Clegg moved to have SB 365-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 365-FN, relative to the lottery commission.

SB 374-FN, relative to the healthy kids corporation. Finance Committee. Ought to pass with amendment, Vote 3-2. Senator Clegg for the committee.

Senate Finance
March 13, 2006
2006-1342s
05/03

Amendment to SB 374-FN

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

AN ACT relative to the state children's health insurance program.

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

1 Purpose. The purpose of this act is to ensure the best and highest utilization of the state children's health insurance program resources for the benefit of the children of New Hampshire. It is the intent of the general court that every eligible child be given the opportunity to fully utilize the benefits of this program in order to promote the health and well being of our youngest citizens.

2 New Paragraph; State Children's Health Insurance Program. Amend RSA 126-A:5 by inserting after paragraph XIII the following new paragraph:

XIV.(a) Notwithstanding any provision of law to the contrary, beginning July 1, 2007, the commissioner shall implement the state children's health insurance program through a contract, which shall be renewed biennially. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, to the extent necessary to facilitate the purposes of this paragraph.

(b) The contract shall include the following information, which the commissioner shall submit to the legislature by March 1 of each odd-numbered year for inclusion in the state's biennial operating budget:

(1) The per-member per-month rate for the health and dental insurance to be paid according to the contract; and

(2) Any other costs associated with the contract that will impact the state operating budget.

(c) Notwithstanding any provision of law to the contrary, the commissioner, in consultation with the commissioner of administrative services, may implement a self-insured health plan for children who receive health insurance coverage under the state children's health insurance program.

3 Healthy Kids Corporation. Notwithstanding RSA 126-A:5, XIV, as inserted by section 2 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of \$100,000 for fiscal year 2006.

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

2006-1342s

AMENDED ANALYSIS

This bill requires the department of health and human services to implement the state children's health insurance program through a contract. This bill also requires use of the healthy kids corporation as the sole provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities program until July 1, 2007.

Senator Bragdon in the Chair.

Senator Barnes moved to recommit.

Adopted.

SB 374-FN is recommitted to the Finance Committee.

SB 398-FN, relative to political contributions and expenditures. Finance Committee. Ought to Pass, Vote 5-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

SB 399-FN, relative to the powers of state government in the event of a pandemic. Finance Committee. Ought to pass with amendment, Vote 5-0. Senator Morse for the committee.

Senate Finance

March 13, 2006

2006-1344s

01/09

Amendment to SB 399-FN

Amend the bill by replacing section 3 with the following:

3 New Section; Communicable Disease; Custody; Rationing; Cost of Items. 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.

141-C:17-c Certain Cost Required. In the event of a pandemic, the commissioner shall pay to the retailer the retail cost of any items to be acquired by the department, the cost as it was the day prior to the outbreak of such pandemic.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Johnson moved to have SB 390 taken from the table.

Adopted.

SB 390, establishing a surcharge on real estate transfers for deposit in the family stability fund and renaming the homeless prevention program the family stability program.

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

SPECIAL ORDER

Senator Hassan moved that **SB 390**, establishing a surcharge on real estate transfers for deposit in the family stability fund and renaming the homeless prevention program the family stability program, be made a special order for March 22, 2006.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 1115, relative to the definition of resident for purposes of fish and game laws.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll.

HB 1283, relative to sheep and goat identification requirements.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

HB 1605-FN, relative to transfers from prepaid fish and game license fund.

HB 1658, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

HB 1659, relative to the use of certain small caliber firearms in taking wildlife.

Senator D'Allesandro moved adoption.

Adopted.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, 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 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund.

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

SB 244, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services.

SB 250, relative to lead paint poisoning prevention.

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.

SB 305-FN, relative to the regulation of recreational therapists.

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

SB 350-FN, relative to boarding kennels.

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

SB 382, relative to the guardian ad litem board.

SB 386, relative to large groundwater withdrawals.

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

SB 399-FN, relative to the powers of state government in the event of a pandemic.

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

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

SCR 6, urging Congress to support stem cell research.

HB 581, relative to approval and review of municipal charters.

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

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

HB 1118, requiring paper ballots at all elections.

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

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

HB 1471-FN, repealing the statutes relative to regional highway conferences.

HB 1503, relative to financial programs administered by the postsecondary education commission.

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

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.