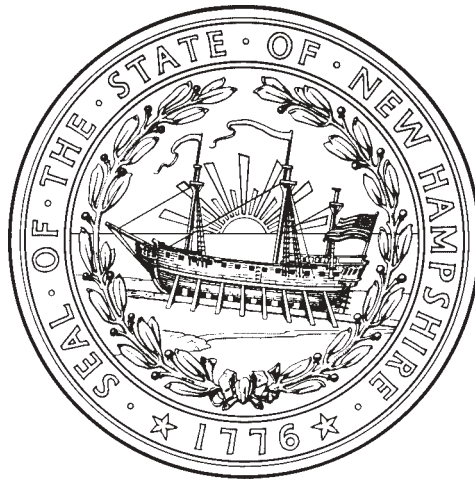


March 9, 2006
Nos. 6 - 7

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 23, 2006 SESSION
COMMENCEMENT – MARCH 9, 2006 SESSION

SENATE JOURNAL 6 *(Cont.)*

February 23, 2006

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 406, revising certain provisions of the home education statutes.

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.

Senator D'Allesandro moved adoption.

Adopted.

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 406-FN-A** to **407-FN-A** 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

06-3060

SB 406-FN-A, establishing a manufacturer's tax on cigarettes sold in New Hampshire. (Sen. Clegg, Dist 14; Sen. Gatsas, Dist 16: Finance)

06-3033

SB 407-FN-A, relative to enforcement of labor statutes under current federal immigration laws. (Sen. Green, Dist 6; Sen. Barnes, Dist 17; Sen. Bragdon, Dist 11; Sen. Clegg, Dist 14; Sen. Flanders, Dist 7; Sen. Gallus, Dist 1; Sen. Gatsas, Dist 16; Sen. Johnson, Dist 2; Sen. Letourneau, Dist 19; Sen. Martel, Dist 18; Sen. Roberge, Dist 9: Finance)

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

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons.

HB 1146, establishing a committee to study renewable portfolio standards.

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

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

HB 1201, relative to child passenger restraints.

HB 1269, relative to the taking of red deer or elk.

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

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

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

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

HB 1417-FN, establishing gold star number plates.

HB 1418-FN, relative to road toll refunds.

HB 1435, relative to the emergency plan for service animals.

HB 1411, relative to definitions under the real estate transfer tax.

HB 1465-FN, relative to food stamp overpayments.

HB 1484, relative to including motorcycle and tractor-trailer safety in driver education courses.

HB 1509, relative to campaign expenditure and contribution limitations.

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

HB 1580, relative to the child support formula.

HB 1584, relative to cemetery setbacks and septic systems.

HB 1597-FN-L, relative to municipal obligations for indigent medical expenses.

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts.

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.

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

HB 1681-FN, establishing the unused prescription drug program.

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

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

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

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

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

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

HB 1765-FN-A-L, relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

HCR 22, relative to the right to pursue a livelihood in natural resources industries.

HJR 23, a resolution designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail.

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 690-FN to HJR 23** 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 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance. (Finance)

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nest-loons. (Environment and Wildlife)

HB 1146, establishing a committee to study renewable portfolio standards. (Energy and Economic Development)

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

HB 1182-FN, relative to the limited commercial lobster license fees. (Environment and Wildlife)

HB 1201, relative to child passenger restraints. (Transportation and Interstate Cooperation Committee.)

HB 1269, relative to the taking of red deer or elk. (Environment and Wildlife)

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

HB 1307, relative to application requirements for motor vehicle recycling yard licenses. (Transportation and Interstate Cooperation Committee.)

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

HB 1346, requiring certain persons to keep the contents of prescriptions confidential. (Executive Departments and Administration)

HB 1417-FN, establishing gold star number plates. (Transportation and Interstate Cooperation Committee.)

HB 1418-FN, relative to road toll refunds. (Ways and Means)

HB 1435, relative to the emergency plan for service animals. (Public and Municipal Affairs)

HB 1444, relative to definitions under the real estate transfer tax. (Ways and Means)

HB 1465-FN, relative to food stamp overpayments. (Finance)

HB 1484, relative to including motorcycle and tractor-trailer safety in driver education courses. (Transportation and Interstate Cooperation Committee.)

HB 1509, relative to campaign expenditure and contribution limitations. (Internal Affairs)

HB 1512, establishing a committee to study volunteer activity related to transportation. (Transportation and Interstate Cooperation Committee.)

HB 1580, relative to the child support formula. (Ways and Means)

HB 1584, relative to cemetery setbacks and septic systems. (Public and Municipal Affairs)

HB 1597-FN-L, relative to municipal obligations for indigent medical expenses. (Internal Affairs)

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts. (Judiciary)

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. (Environment and Wildlife)

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

HB 1681-FN, establishing the unused prescription drug program. (Banks and Insurance)

HB 1709-FN, establishing an autism registry in the department of health and human services. (Health and Human Services)

HB 1722-FN, relative to the New Hampshire council on developmental disabilities. (Executive Departments and Administration)

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

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. (Public and Municipal Affairs)

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement. (Health and Human Services)

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers. (Health and Human Services)

HB 1765-FN-A-L, relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor. (Finance)

HCR 22, relative to the right to pursue a livelihood in natural resources industries. (Internal Affairs)

HJR 23, a resolution designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail. (Transportation and Interstate Cooperation Committee.)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 7

March 9, 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:

Wise and gentle one, You inscribe upon each one of us the indelible markings of Your signature of authorship. Give us eyes to see Your very own, "John Hancock" written boldly at the core of each person we encounter this day, that all the decisions made in this venerable chamber may reveal that very same autograph. Amen

Senator Odell led the Pledge of Allegiance.

Senator Johnson is excused for the day.

INTRODUCTION OF GUESTS COMMITTEE OF CONFERENCE REPORT

February 22, 2006

2006-1212-CofC

05/04

Committee of Conference Report on SB 206-FN, an act relative to the state code of ethics and establishing an executive ethics commission.

Recommendation:

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

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

Amend RSA 21-G:21, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X, every constitutional official as defined by RSA 15-B:2, II, and every public employee as defined by RSA 15-B:2, IX.

Amend RSA 21-G:25 as inserted by section 2 of the bill by replacing it with the following:

~~21-G:25 [Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent who gives, solicits, accepts, or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted~~

~~in accordance with the law.]~~ ***Restrictions on Simultaneous Employment and Public Service. Volunteer service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:***

I. No person shall serve as a public employee, as defined by RSA 15-B:2, IX, or serve as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity, and simultaneously be a person who has a duty to register as a lobbyist pursuant to RSA 15, or is employed by, or maintains an ownership interest in, any entity which employs a registered lobbyist.

II. No person shall serve as a public employee in a position that establishes policy or adjudicates matters before any agency while maintaining any ownership interest in, or being employed by, any entity, engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing any action or inaction on any matter; contract, license, permit, or administrative rule, proposed or pending, before the executive branch.

III. Unless otherwise prohibited by law, the prohibitions of RSA 21-G:25, I and II, shall not apply to:

(a) Appearances before the courts or any adjudicative proceedings, or non-adjudicative processes, as defined by RSA 541-A;

(b) Service in a position subject to appointment by the governor and council;

(c) Testimony or participation in any public meeting, or service on any commission, committee, board, panel, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, or the public right of access mandated by part 1, article 8 of the New Hampshire constitution.

(d) Volunteer public service related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance;

(e) Ownership of publicly-traded stock; or

(f) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.

Amend RSA 21-G:29, III as inserted by section 3 of the bill by replacing it with the following:

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, one of whom shall be a member of the democratic party, one of whom shall be a member of the republican party, and one of whom shall have no political party affiliation.

(b) Two members, nominated by the secretary of state, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

(c) Two members, nominated by the treasurer, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

Amend RSA 21-G:29, VI as inserted by section 3 of the bill by replacing it with the following:

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

Amend RSA 14-B:2, III as inserted by section 5 of the bill by replacing it with the following:

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. ~~[The members shall elect]~~ ***Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee*** a chairperson and vice-chairperson ~~[at this meeting]~~. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. ***The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.***

Amend RSA 15:1, II(b) as inserted by section 7 of the bill by replacing it with the following:

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraph III.

Amend RSA 15-B:2, IX as inserted by section 9 of the bill by replacing it with the following:

IX. "Public employee" means any person, including but not limited to a classified or non-classified employee or volunteer, who conducts state business on behalf of the governor, any executive branch official, agency, or the general court.

The signatures below attest to the authenticity of this Report on SB 206-FN, an act relative to the state code of ethics and establishing an executive ethics commission

Conferees on the Part of the Senate
Sen. Clegg, Dist. 14
Sen. Boyce, Dist. 4
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Whalley, Belk. 5
Rep. O'Brien, Hills. 4
Rep. O'Neil, Rock. 15
Rep. Craig, Hills. 9

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

A roll call was requested by Senator Barnes.

Seconded by Senator Larsen.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

SPECIAL ORDER

SB 301-FN, relative to pooled risk management programs for municipalities and public entities. Banks and Insurance Committee. Ought to pass with amendment, Vote 4-1. Senator Odell for the committee.

Banks and Insurance

February 16, 2006

2006-1075s

01/04

Amendment to SB 301-FN

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

1 Pooled Risk Management Programs; Purpose. Amend RSA 5-B:1 to read as follows:

5-B:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk management programs and to affirm the status of such programs established for the benefit of political subdivisions of the state. The legislature finds and determines that insurance and risk management is essential to the proper functioning of political subdivisions; that risk management can be achieved through purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions; that pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit and establishment of costs predicated solely on the actual experience of political subdivisions within the state; that the resources of political subdivisions are presently burdened by the securing of insurance protection through standard carriers; **that pooled risk management programs are not insurance companies or public entities**, and that pooled risk management programs which meet the standards established by this chapter should ~~not~~ be subject to ~~insurance regulation and~~ **only limited insurance regulation and should not be subject to** taxation by the state.

2 Pooled Risk Management Programs; Definitions. RSA 5-B:2 is repealed and reenacted to read as follows:

5-B:2 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Department" means the insurance department.

III. "Holding company system" means 2 or more affiliated persons, one or more of which is an association that maintains a pooled risk management program, where "person" has the same meaning as in RSA 401-B:1, VI and "affiliated" has the same meaning as in RSA 401-B:1, I.

IV. "Political subdivision" means any city, town, county, school district, charter school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

V. "Public access filing" means an annual filing with the department made for the purpose of providing public access to certain information concerning the nature and organization of pooled risk management programs. Such informational filing shall be limited to the following:

- (a) The name and legal address of each pooled risk management program;
- (b) A list of current officers, their titles and addresses;
- (c) A brief description of the coverage provided;
- (d) The annual audit required under RSA 5-B:5, I(d);
- (e) A written plan of operation or bylaws; and
- (f) The annual actuarial evaluation required under RSA 5-B:5, I(f).

VI. "Risk management" means the defense of claims and indemnification for losses arising out of the ownership, maintenance, and operation of real or personal property and the acts or omissions of officials, employees, and agents; the provision of loss prevention services including, but not limited to, inspections of property and the training of personnel; and the investigation, evaluation, and settlement of claims by and against political subdivisions.

3 Pooled Risk Management Programs; Filing. Amend RSA 5-B:4 to read as follows:

5-B:4 ~~Informational~~ **Public Access** Filing Required~~[-Fee]~~. Pooled risk management programs established for the benefit of political subdivisions shall make ~~[an informational only]~~ **a public access** filing as defined in RSA 5-B:2, [H] **V**, with the department ~~[and shall pay an annual filing fee of \$150]~~. Nothing contained in this chapter shall be construed as enabling the department to exercise any rulemaking, regulatory or enforcement authority over any pooled risk management program formed or affirmed in accordance with this chapter, **except as specifically provided in this chapter**. Pooled workers' compensation and unemployment compensation programs which are regulated by and which report to the department of labor and the department of employment security, under RSA 281-A and RSA 282-A, respectively, shall be exempt from the requirements of this section as long as their operations and reports conform to the laws and rules adopted by those departments.

4 New Section; Registration Requirement. Amend RSA 5-B by inserting after section 4 the following new section:

5-B:4-a Registration Requirement.

I. No association shall develop or administer a pooled risk management program in this state unless it registers with the commissioner and pays a registration fee of \$150.

II. An association's registration shall include the following:

(a) The information contained in the public access filing as defined in RSA 5-B:2, V.

(b) If the association is organized as a holding company system, then the registration shall also include a holding company system registration statement in the same manner as provided in RSA 401-B:4, II-XII for insurance holding company systems.

(c) Such other information as required by the commissioner.

III. Every registration made pursuant to this section shall expire on the next June 14 unless renewed prior to that date. Renewal shall be made by paying an annual renewal fee of \$150 and supplementing and updating the original registration materials as necessary to reflect material changes in the program and to include the most recent audited financial statement, actuarial evaluation, or holding company system registration statement, as applicable.

5 Pooled Risk Management Programs. Amend RSA 5-B:5, I(d) to read as follows:

(d) Provide for an annual audit of financial transactions by an independent certified public accountant. ***In addition to the annual audit, if the association is organized as a holding company system, then the independent certified public accountant shall also annually provide information sufficient to assess compliance with the standards in RSA 401-B:5, I(a) for transactions within a holding company system.*** The audit shall be filed with the department and distributed to participants of each pooled risk management program.

6 Pooled Risk Management Programs. Amend RSA 5-B:6 to read as follows:

5-B:6 Declaration of Status; ***Regulatory Standards***; Tax Exemption; Liability.

I. Any pooled risk management program meeting the standards required under this chapter is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and administration of any activities of the plan shall not constitute doing an insurance business for purposes of regulation or taxation ***and shall be exempt from regulation by the commissioner, except as specifically provided in this chapter. In addition to the registration and reporting requirements set out in RSA 5-B:4 and RSA 5-B:4-a, the commissioner shall have the discretionary authority to review the books and records and examine the affairs of every pooled risk management program in the same manner as provided in RSA 400-A:37 for examination of insurers. The expenses of examinations shall be borne by the pooled risk management program being examined.***

II. Any [such] ***pooled risk management*** program operating under this chapter, whether or not a body corporate, may sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and pledge assets in its name.

III. ***Pooled risk management programs shall be exempt from the insurance premium tax.***

IV. Participation by a political subdivision in a pooled risk management program formed and affirmed under this chapter shall not subject any such political subdivision to any liability to any third party for the acts or omissions of the pooled risk management program or any other political subdivision participating in the program.

7 Pooled Risk Management Programs; Confidentiality. RSA 5-B:7 is repealed and reenacted to read as follows:

I. RSA 91-A shall not apply to any pooled risk management program formed or affirmed under this chapter and any entity maintaining a pooled risk management program shall only be required to disclose claims information submitted to the department in connection with the comprehensive health care information system, under RSA 420-G:11-a, as required under RSA 420-G:11.

II. The commissioner shall give confidential treatment to, shall keep confidential, and shall not publicly disclose under RSA 91-A, any information disclosed pursuant to this section. The information shall not be subject to subpoena.

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

2006-1075s**AMENDED ANALYSIS**

This bill clarifies the procedures required to form a pooled risk management program.

The question is on adoption of the committee amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Green.

The following Senators voted Yes: Gallus, Kenney, Green, Flanders, Odell, Roberge, Clegg, Gatsas, Barnes, Martel.

The following Senators voted No: Boyce, Burling, Eaton, Bragdon, Gottesman, Larsen, Letourneau, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

Yeas: 10 - Nays: 12

Amendment failed.

The question is on the motion of ought to pass.

Motion failed.

Senator Bragdon moved inexpedient to legislate.

The motion of inexpedient to legislate is adopted.

Senator Foster Rule #42 on SB 301-FN.

SCR 7, a resolution urging Congress to amend the No Child Left Behind Act. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Estabrook for the committee.

Senate Education

February 14, 2006

2006-0957s

01/10

Amendment to SCR 7

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire general court urges the Congress of the United States to amend the No Child Left Behind Act in accordance with the recommendations of the National Conference of State Legislatures' task force on the No Child Left Behind Act, and in a manner that allows states, such as New Hampshire, to continue to work toward the goal of closing the achievement gap in a way that will be most effective for every New Hampshire child; and

Amendment failed.

The question is on the motion of ought to pass.

A roll call was requested by Senator Estabrook.

Seconded by Senator Barnes.

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

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

Yeas: 8 - Nays: 15

Motion failed.

Senator Clegg moved inexpedient to legislate.

The motion of inexpedient to legislate is adopted.

SB 367-FN, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Fuller Clark 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, Burling, Green, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

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

Yeas: 10 - Nays: 13

Motion failed.

Senator Martel moved ought to pass.

Senator D'Allesandro moved that we Special Order SB 367-FN to the end of the day.

A division vote was requested.

Yeas: 9 - Nays: 13

Motion failed.

The question is on the motion of ought to pass.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 318-FN, relative to the use of deadly force to protect oneself. Judiciary Committee. Inexpedient to Legislate, Vote 4-2. Senator Foster for the committee.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Barnes.

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

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

Yeas: 11 - Nays: 12

The committee report of inexpedient to legislate failed.

Senator Martel wanted to vote yes on the motion of inexpedient to legislate.

Senator Bragdon moved ought to pass.

Adopted.

Ordered to third reading.

COMMITTEE REPORTS

SB 368-FN, relative to life settlements. Banks and Insurance Committee. Ought to Pass, Vote 3-2. Senator Flanders for the committee.

Motion failed.

Senator Gottesman moved inexpedient to legislate.

Adopted.

SB 368-FN is inexpedient to legislate.

SB 240, relative to transmission poles or structures on public highways. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 2-1. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Bragdon moved to have SB 240 laid on the table.

Adopted.

LAID ON THE TABLE

SB 240, relative to transmission poles or structures on public highways.

SB 243, establishing a commission to study rural transit in New Hampshire. Energy and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Burling for the committee.

MOTION TO TABLE

Senator Boyce moved to have SB 243 laid on the table.

Adopted.

LAID ON THE TABLE

SB 243, establishing a commission to study rural transit in New Hampshire.

SB 292-FN, relative to permits for combustion of certain waste. Energy and Economic Development Committee. Inexpedient to Legislate, Vote 2-1. Senator Odell for the committee.

MOTION TO TABLE

Senator Larsen moved to have SB 292-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 292-FN, relative to permits for combustion of certain waste.

SB 314-FN-L, establishing minimum renewable standards for energy portfolios. Energy and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Odell for the committee.

Energy and Economic Development

March 1, 2006

2006-1248s

06/09

Amendment to SB 314-FN-LOCAL

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

1 Statement of Purpose. The general court finds that:

I. Increased use of renewable energy technologies and continued use of existing renewable energy technologies that decrease nitrogen oxide and particulate matter emission rates can reduce air pollution in the state and air pollution transported across state lines, and thereby improve air quality and help advance long-term climate change strategies.

II. Renewable energy technologies provide fuel diversity to the state and New England generation supply and have the potential to lower and stabilize future energy costs by reducing the region's dependence on imported fossil fuels such as natural gas and oil.

III. It is in the public interest to stimulate investment in new, lower emission, renewable energy technologies and investments in improving air emission quality from existing renewable energy technologies.

IV. It is in the public interest to support incentives to reduce New Hampshire's consumption of fossil fuels consistent with regional, national, and international policy on promoting renewable energy and which also have the potential of reducing the long-term cost of energy.

2 New Subparagraph; Application of Receipts; Compliance Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the compliance fund established under RSA 374-G:6.

3 Default Service. Amend RSA 374-F:3, V(c) to read as follows:

(c) Default service should be designed to provide a safety net and to assure universal access and system integrity. Default service should be procured through the competitive market and may be administered by independent third parties. ***The default service so procured shall include any renewable energy certificates the utility is obliged to purchase pursuant to RSA 374-G, with the cost of such certificates or alternative compliance payments recovered through the default service charge.*** The allocation of the costs of administering default service should be borne by the customers of default service in a manner approved by the commission. If the commission determines it to be in the public interest, the commission may implement measures to discourage misuse, or long-term use, of default service. Revenues, if any, generated from such measures should be used to defray stranded costs.

4 New Chapter; Electric Provider Renewable Energy Requirement. Amend RSA by inserting after chapter 374-F the following new chapter:

CHAPTER 374-G

ELECTRIC PROVIDER RENEWABLE ENERGY REQUIREMENT

374-G:1 Definitions. In this chapter:

I. "Certificate" means the electronic record produced by the New England Power Pool Generation Information System (GIS) its designee or successor, identifying each mega-watt hour generated by a renewable energy resource or any successor mechanism that represents each megawatt-hour generated by a renewable energy resource, or such alternative documentation evidencing the same if the GIS is no longer maintained and no successor mechanism has been established.

II. "Commission" means the public utilities commission.

III. "Compliance year" means a calendar year beginning January 1 and ending December 31, for which a provider of electricity must demonstrate that it has met the requirements of this chapter.

IV. "Eligible biomass technologies" means biomass technologies using as their primary fuel source non-construction and demolition debris derived material such as brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, sawdust, and slash; and energy crops, biogas, or biodiesel; provided that the generation unit has a quarterly average nitrogen oxide (NOx) emission rate of less than or equal to 0.075 pounds/million British thermal units (lbs/Mmbtu), and a quarterly average particulate emission rate of less than or equal to 0.02 lbs/Mmbtu. The term "primary fuel source" means at least 90 percent of the total energy input into the generating unit, on an Mmbtu basis.

V. "End-use customer" means any person or entity in New Hampshire that purchases electrical energy at retail.

VI. "Historical generation baseline" means the average annual electrical production from the eligible renewable energy resources, stated in megawatt-hours (MWhrs), for the 3 calendar years 1995 through 1997, or for the first 36 months after the commercial operation date if that date is after December 31, 1994 (the "baseline period"); provided however, that the historical generation baseline shall be measured regardless of whether or not the average annual electrical production during the baseline period meets the eligible requirements of this paragraph.

VII. "Provider of electricity" means a provider of electricity to any end-use customer located in this state, including, without limitation, the local distribution company providing default service or similar service under state law, including RSA 374-F, but shall not include:

(a) A person who provides his or her own electricity from on-site generation which supplies electricity exclusively from renewable energy resources, qualifying small power production facilities, and qualifying cogeneration facilities as defined in RSA 362-A:1-a; or

(b) The provision of the internal electrical needs of any electrical generating station from its generation or from affiliate generation.

VIII. "Renewable energy resources" means new renewable energy resources – class I, incremental renewable energy resources – class I, or existing renewable energy resources – class II. An electrical generating facility selling its electrical output at long-term rates established before January 1, 2006 by orders of the commission under RSA 362-A:4 shall not be a renewable energy resource – class II, until the date on which it ceases to sell its electrical output at those original long-term rates.

IX. "Renewable energy resources – new-class IA" means the production of electricity from any of the following, provided the resource has a commercial operation date after January 1, 2006:

(a) Solar photovoltaic or solar thermal electric energy;

(b) Wind energy;

(c) Geothermal energy;

(d) Fuel cells utilizing renewable fuels;

(e) Ocean thermal, wave, or tidal energy;

(f) Biologically derived methane gas from anaerobic digestion of organic materials from such sources as yard waste, food waste, animal waste, sewage sludge, and septage, and landfill waste; and

(g) Eligible biomass technologies having a gross nameplate capacity of 50 megawatts (MW) or less, including any biomass unit whose primary fuel source was coal prior to January 1, 2006.

X. "Renewable energy resource – new-class IB" means the production of electricity from solar photovoltaic or solar thermal energy and an operation date after January 1, 2006.

XI. "Renewable energy resource – new incremental (class IC)" means the incremental output in any compliance year over the historical generation baseline, provided that such existing renewable energy resource (class II) was certified by the commission to have demonstrably completed capital investments after January 1, 2006 attributable to the efficiency improvements or additions of capacity that are sufficient to, were intended to, and can be demonstrated to increase annual electricity output. The determination of incremental production shall not be based on any operational changes at such facility not directly associated with the efficiency improvements or additions of capacity.

XII. "Renewable energy resources - existing (class IIA)" means the production of electricity from any of the following, provided the resource has a commercial operation date for electrical generation before January 1, 2006:

(a) Biologically derived methane gas from anaerobic digestion of organic materials from such things as yard waste, food waste, animal waste, sewage sludge and septage, and landfill waste;

(b) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less; and

(c) Municipal solid waste combustion technologies subject to RSA 125-M.

XIII. "Renewable energy resources – existing (class IIB)" means the production of electricity from hydroelectric energy that has a gross nameplate capacity of 5 MWs or less and are constricted in their operation by fish ladders or other similar fish facilities.

374-G:2 Minimum Renewable Standards for Energy Portfolios.

I. Providers of electricity in this state shall obtain renewable energy certificates from renewable energy resources to meet the minimum renewable standards for its energy portfolio established by this section.

II. For the period of January 1 through December 31, 2007, during that calendar year and in each subsequent calendar year through December 31, 2013 and as provided in RSA 374-G:4 of this chapter, a provider of electricity shall obtain renewable energy certificates from the various classes of renewable energy resources, defined in RSA 374-G:1, representing the following percentages of its total kilowatt-hours of electricity supplied to its end-use customers unless modified by the provisions in paragraph IV:

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Thereafter</u>
Class IA +/-or C	0.5%	1%	1%	1%	2%	3%	4%	4%
Class IB	0.01%	0.02%	0.04%	0.08%	0.15%	0.20%	0.30%	0.3%
Class IIA	3%	4%	5%	6%	6%	6%	6%	6%
Class IIB	1%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%	1.5%

III. On or about January 1, 2010, the commission shall open a docket to conduct a review of the requirements in paragraph II and make recommendations for any changes to the legislature to be effective after July 1, 2011. In the docket the commission may also determine the adequacy or potential adequacy of re-

newable energy resources to meet the percentage requirements of paragraphs II and III of this section. If the commission determines an inadequacy or potential inadequacy of supplies for the required percentages, the commission shall recommend to the general court a revised schedule of required percentages to achieve the purposes of this chapter.

IV. If a provider of electricity represents to an end-use customer that the provider of electricity is selling to the retail customer energy that includes renewable energy resources, such representation shall include a statement of the minimum renewable standard for the provider of electricity established in paragraph II. The minimum renewable energy percentages set forth in RSA 374-G:2, II shall be met for each electrical energy product offered to end-use customers, in a manner that ensures that the amount of renewable energy to end-use customers voluntarily purchasing renewable energy is not counted toward meeting such percentages.

V. Wholesale and retail electric suppliers under supply contracts executed by providers of electricity as of the effective date of this chapter shall be exempt from the requirements of paragraphs II-IV, provided however, that no exemption shall extend beyond 36 months after the effective date of this chapter. Under no condition during this transition period shall a minimum renewal standard obligation be shifted to another customer or customer class in order to compensate for a delay in implementation of the minimum renewal standard to another customer or customer class due to this exemption.

374-G:3 Renewable Energy Certificates.

I. The renewable energy program established in this chapter shall utilize the regional generation information system (GIS) of energy certificates administered by the Independent System Operator-New England, Inc. (ISO-New England) and the New England Power Pool (NEPOOL) or their successors. If the regional GIS certificate tracking system administered by the ISO-New England is no longer operational or accessible, the commission shall develop an alternative certificate program, after public notice and hearing, designed to be as comparable to the GIS certificate tracking system as possible.

II. The commission shall designate in a timely manner New Hampshire eligible renewable resources to the ISO-New England.

III. Certificates obtained for purposes of complying with this chapter shall come from renewable energy resources within the ISO-New England region unless an external unit contract for delivery of the energy to the ISO-New England control area is executed and such contract includes associated transmission rights for delivery of the generation unit's electrical energy over the ties from an adjacent control area to the ISO-New England control area.

374-G:4 Sale or Exchange of Certificates. A certificate may be sold or otherwise exchanged by the renewable energy resource to which it was initially issued or by any other person or entity that acquires the certificate; however, the certificate may only be used once for compliance with the requirements of this chapter and may not be used for compliance with this chapter if used for compliance with any requirements of another jurisdiction. Except as otherwise provided in paragraphs II and III, certificates shall be used by providers of electricity for compliance with the requirements of RSA 374-G:2 in the calendar year in which the generation represented by the certificate was produced. Compliance with each year's RSA 374-G:2 requirement shall be determined with certificates issued in the certificate trading periods associated with the calendar year of compliance.

II. A provider of electricity may use certificates associated with renewable energy resource production during one calendar year for compliance with the requirements of this chapter in either of the 2 subsequent calendar years, provided such certificates:

- (a) Have not been used for compliance in another jurisdiction and are used only once;
- (b) Were in excess of those needed for compliance with this chapter in the year in which they were generated;
- (c) Have not otherwise been, nor will be, sold, retired, claimed, or represented as part of electrical energy output or sale, or used to satisfy obligations in jurisdictions other than New Hampshire, demonstrated by retiring banked certificates in the compliance year in which they were generated; and
- (d) Used by a provider of electricity do not exceed 30 percent of the provider's obligations under this chapter for the calendar year in which such certificates are used.

III. In addition to certificates produced in calendar year 2007, a provider of electricity may use renewable energy resources class I or class II certificates associated with generation during calendar year 2006 and those associated with generation during the first calendar quarter of 2008 for compliance with its calendar year 2007 obligations under RSA 374-G:2, provided:

(a) Renewable energy resources class I certificates are used for calendar 2007 class I obligations and renewable energy resources class II certificates are used for calendar year 2007 class II obligations; and

(b) No more than 30 percent of the 2007 calendar year obligation under RSA 374-G:2 of this chapter is met with such certificates.

374-G:5 Information Collection. Within 180 days of the end of each calendar year, each provider of electricity shall submit a report to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

374-G:6 Alternative Compliance.

I. There is hereby established a compliance fund. This nonlapsing revolving special fund shall be continually appropriated to be expended by the commission in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Interest received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section shall be used and administered by the commission for the following purposes: supporting thermal and electrical renewable energy initiatives, energy efficiency, and demand-side management including programs that reduce demand for both electricity and non-renewable fuels used in heat production and transportation, with the exception of funds collected relative to compliance with class IB. The moneys paid into the fund relative to compliance with class IB production of electricity from solar photovoltaic or solar thermal energy shall be used by and administered by the commission for supporting solar energy resources.

II. An electricity provider shall discharge any annual class IA or IC, or both, shortfall in its portfolio requirements by making a payment into the fund of \$50 per megawatt-hour of renewable energy obligation in 2007 dollars, adjusted annually by the annual change in the United States Bureau of Labor Statistics Consumer Price Index, which may be made instead of standard means of compliance with the statute. The revised rate per megawatt-hour shall be published by the commission by January 31 of each year.

III. An electricity provider shall discharge any annual class IB shortfall in its portfolio requirements by making a payment into the fund of \$200 per megawatt-hour of renewable energy obligation in 2007 dollars, adjusted annually by the annual change in the United States Bureau of Labor Statistics Consumer Price Index, which may be made instead of standard means of compliance with this chapter. The commission by January 31 of each year shall publish the revised rate per megawatt-hour.

IV. An electricity provider shall discharge any annual class II shortfall in its portfolio requirements by making a payment into the fund of \$25 per megawatt-hour of renewable energy obligation in 2007 dollars, adjusted annually by the annual change in the United States Bureau of Labor Statistics Consumer Price Index, which may be made instead of standard means of compliance with this statute. The commission by January 31 of each year shall publish the revised rate per megawatt-hour.

374-G:7 Application.

I. The commission shall certify generation facilities as either renewable energy resources class I or class II by issuing a determination within 45 days of receipt of an application. The application shall contain the following:

(a) Name and address of applicant;

(b) Facility location and NEPOOL GIS identification number;

(c) Description of the facility, including fuel type, gross generation capacity, commercial operation date, and, in the case of a biomass renewable energy resource, NO_x and particulate matter emission rates and a description of pollution control equipment or practices proposed for compliance with applicable NO_x and particulate matter emission rates; and

(d) Such other information as the applicant may provide to assist in the determination of the generating facility as a renewable energy resource.

II. Biomass facilities otherwise meeting the requirements of a renewable energy resource shall be certified by the commission subject to compliance with the applicable NO_x and particulate matter emission

standards. Each such renewable energy resource shall file with the commission within 45 days of the end of each calendar quarter an affidavit attesting to the renewable energy resources average NOx emission rate in lbs/Mmbtu for such quarter and the particulate matter emission rate test results, in lbs/Mmbtu produced in accordance with RSA 374-G:8. Upon receipt of verification of emissions from the department of environmental services, the commission shall notify the GIS of such renewable energy resource's eligibility for certificates and trading as a renewable energy resource in New Hampshire.

374-G:8 Verification of Emissions. Any source seeking to qualify as an eligible biomass technology shall verify emissions in accordance with the following methods:

I. For nitrogen oxide emissions, the source shall install and operate continuous emissions monitors which meet department of environmental services' standards as codified in rules.

II. For particulate matter emissions, the source shall conduct stack tests in accordance with the New Hampshire department of environmental services' approved methods. Such tests shall be conducted annually for a period of 3 years. Upon completion of 3 annual tests which demonstrate compliance with the particulate matter emission rate specified in RSA 374-G:1, IV, the source may request, subject to New Hampshire department of environmental services' approval, to revise the particulate matter stack testing frequency to once every 3 years.

374-G:9 Rulemaking. The commission shall adopt rules as necessary, pursuant to RSA 541-A, to implement this program.

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

Amendment adopted.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

The following Senators voted No: Boyce, Gatsas, Morse.

Yeas: 20 - Nays: 3

Adopted.

Referred to the Finance Committee (Rule #26).

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. Energy and Economic Development Committee. Ought to Pass, Vote 2-1. Senator Burling for the committee.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

March 7, 2006

2006-1288s

08/09

Floor Amendment to HB 653-FN-LOCAL

Amend RSA 33:3-g, I as inserted by section 3 of the bill by replacing it with the following:

I. A municipality may issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in areas not served by an existing broadband carrier or provider that would be provided at a fee to broadband carriers that provide broadband services. Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3. No bond proceeds shall be used for the development, construction, renovation, improvement, or acquisition of a broadband infrastruc-

ture in areas served by one or more broadband carriers as of the date of the issuance of the bond.

Floor amendment failed.

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

A roll call was requested by Senator Green.

Seconded by Senator Barnes.

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

The following Senator voted No: Boyce.

Yeas: 22 - Nays: 1

Adopted.

Ordered to third reading.

HB 1115, relative to the definition of resident for purposes of fish and game laws. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 1283, relative to sheep and goat identification requirements. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

HB 1296, relative to the voluntary scrapie flock certification program. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Eaton for the committee.

Adopted.

Ordered to third reading.

HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs. Environment and Wildlife Committee. Ought to pass with amendment, Vote 4-0. Senator Eaton for the committee.

Environment and Wildlife

February 22, 2006

2006-1222s

10/09

Amendment to HB 1657

Amend the bill by replacing section 1 with the following:

1 New Section; Fish and Game; Wildlife Legacy Initiative Amend RSA 206 by inserting after section 33-b the following new section:

206:33-c Wildlife Legacy Initiative; Account Established.

I. The executive director may establish a wildlife legacy initiative that encourages gifts and donations to support fish, wildlife, and marine resource conservation projects, conservation education activities, and opportunities to use, access, and appreciate these public resources by promoting the benefits of the initiative and recognizing individuals or organizations for their voluntary participation. The executive director in establishing any relationship with such persons shall use care to deal with persons who are supportive of the full mission of the fish and game department and not persons opposing the legal taking of game or fish.

II. The executive director may establish levels of giving and offer incentives for various levels of donations, enter into agreements and partnerships with the public or private sector as necessary to develop, market, promote, solicit for, and conduct the wildlife legacy initiative. The executive director may issue certificates, documentation, and other gifts to identify and recognize participants.

III. There is established an account within the fish and game fund to be known as the wildlife legacy initiative account. All gifts and donations received through the wildlife legacy initiative shall be deposited in this account. Notwithstanding any other provision of law to the contrary, donations made to the wildlife legacy initiative shall not require acceptance by the commission or the governor and council. Moneys deposited in the wildlife legacy initiative account are nonlapsing and continually appropriated to the fish and game department and may be used with approval of the fish and game commission for the purposes stated in paragraphs I and II.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Sections 2 and 4 of this act shall take effect January 1, 2007.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1659, relative to the use of certain small caliber firearms in taking wildlife. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Eaton for the committee.

Adopted.

Ordered to third reading.

SB 285-FN, equalizing the pay of administrative judges in the judicial branch. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

MOTION TO TABLE

Senator Flanders moved to have SB 285-FN laid on the table.

Adopted.

LAID ON THE TABLE

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

SB 339, changing certain job titles and responsibilities in the department of transportation. Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Barnes for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 352-FN, relative to the regulation of real estate appraisers. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 2-0. Senator Kenney for the committee.

Motion failed.

Senator Kenney moved ought to pass.

Senator Kenney offered a floor amendment.

Sen. Kenney, Dist. 3

March 8, 2006

2006-1309s

10/05

Floor Amendment to SB 352-FN

Amend RSA 310-B:1 as inserted by section 1 of the bill by replacing it with the following:

310-B:1 Purpose. The purpose of this chapter is to bring New Hampshire into compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. ~~[The federal act's purpose is to protect federal financial and public policy interests in real estate related transactions by requiring that real estate appraisals used in connection with federally-related transactions are performed in writing, in accordance~~

with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.] ***However, any real estate appraisal service performed by an individual licensed or certified under this chapter shall be subject to the supervision of the board.***

Amend RSA 310-B:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Appraisal ***report***" or "real estate appraisal ***report***" means a written ***or oral*** statement [~~independently and impartially~~] prepared by a licensed or certified appraiser, [~~and~~] ***whether or not*** used in connection with a federally-related transaction under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information. ***Nothing in this paragraph shall be interpreted to effect the right of any person to provide services under RSA 310-B:3, II, III, or IV.***

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 - 12 to read as 5 - 13, respectively:

4 Classes of Licensure or Certification; Apprentice. Amend RSA 310-B:6, I(a) to read as follows:

(a) Apprentice. The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under subparagraph (b), (c), or (d), but are in the process of completing the requirements for one of the classifications of a real estate appraiser. Apprentice real estate appraisers shall be required to work under the supervision of a New Hampshire [~~licensed or~~] certified appraiser until the requirements for licensure or certification have been met.

Amend the bill by replacing section 13 with the following:

13 Effective Date.

I. Section 4 of this act shall take effect December 31, 2007.

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

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. Finance Committee. Ought to Pass, Vote 6-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 302-FN, relative to real estate brokers. Finance Committee. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

SB 381-FN-A-L, expanding business tax credits to enhance research and development. Finance Committee. Interim Study, Vote 6-0. Senator Clegg for the committee.

MOTION TO TABLE

Senator Clegg moved to have SB 381-FN-A-L laid on the table.

Adopted.

LAI D ON THE TABLE

SB 381-FN-A-L, expanding business tax credits to enhance research and development.

HB 380, relative to absentee voting. Finance Committee. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 649-FN-A-L, establishing a commission to study the costs and funding of medicolegal investigations and autopsies. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Senator Morse offered a floor amendment.

Sen. Morse, Dist. 22
March 9, 2006
2006-1318s
08/09

Floor Amendment to HB 649-FN-A-LOCAL

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

(j) The state chief medical examiner, or designee.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 229, relative to subsidizing malpractice premiums for certain specialties. Internal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

SB 236, establishing an employment restriction on former board members of public corporations. Internal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Boyce for the committee.

Committee report of inexpedient to legislate is adopted.

SCR 8, declaring the general court in opposition to the federal Real ID Act of 2005. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

MOTION TO TABLE

Senator Bragdon moved to have SCR 8 laid on the table.

A roll call was requested by Senator Estabrook.

Seconded by Senator Clegg.

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

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

Yeas: 14 - Nays: 9

Adopted.

LAIID ON THE TABLE

SCR 8, declaring the general court in opposition to the federal Real ID Act of 2005.

SB 262, establishing a strategic planning commission for gender-responsive management of female offenders in the criminal justice system. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

Senate Judiciary
February 22, 2006
2006-1199s
08/09

Amendment to SB 262

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

AN ACT 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.

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

1 New Sections; Administrator of Women Offenders and Family Services; Council Established. Amend RSA 21-H by inserting after section 14-a the following new sections:

21-H:14-b Administrator of Women Offenders and Family Services.

I. There is hereby created the position of administrator of women offenders and family services within the department of corrections. The administrator shall be responsible for programming and services for women offenders in the statewide adult correctional system including probation, parole, and correctional facilities. The administrator of women offenders and family services shall be a classified position.

II. The administrator shall:

(a) Establish goals and objectives for statewide correctional systems within the framework of the department's philosophy, including planning, organizing, implementing, directing, and monitoring statewide gender-responsive programs and services, as well as developing policies, procedures and standards for the provision of such programs and services. The administrator shall participate in the development, implementation, and review of all policies, directives, and standards that involve supervision of women offenders. The administrator shall also coordinate continuum and continuation of gender-responsive services to women offenders moving from one setting to another, and re-entering their communities.

(b) Write standards for, execute, and monitor all non-clinical contracts with service providers who work exclusively with women offenders. The administrator shall review and provide feedback on an ongoing basis on all clinical contracts and services for women offenders regarding consistency with contract language and gender-responsive principles.

(c) Establish and coordinate partnerships, and maintain working relationships within the department of health and human services, with other government agencies, with communities and with community-based organizations, volunteers, advocacy groups, the academic community, and other external stakeholders.

(d) Provide supervision and technical assistance to field and women's facility superintendents and managers regarding issues related to women offenders and gender-responsive programs, services, and practices. The administrator shall provide input into the evaluations of other facility superintendents, field managers, and personnel relative to their roles in the supervision and provision of services for women offenders.

(e) Provide input regarding necessary data collection and evaluation to measure effective programming and supervision of women offenders. The administrator shall consult with and provide input with other directors regarding appropriate levels of staffing in both the field and institutions responsible for the management of women offenders. The administrator shall also confer with and make recommendations to the commissioner regarding women offender supervision and services and oversee the planning, development, and implementation of training guidelines for staff working with women offenders, and recommend changes in duties assigned to casework and security staff who work with women offenders.

(f) Review internal and external investigations into personnel and administrative and criminal matters involving women offenders. The administrator shall act as a resource in cases of staff sexual misconduct involving women offenders and provide input into personnel actions for addressing misconduct involving staff who work with women offenders and misconduct involving women offenders.

(g) Be involved in review and evaluation of expenditures and spending plans as they relate to the provision of program services for women offenders. The administrator shall prepare budget recommendations regarding women offenders' program services consistent with the departmental budget cycle. The administrator shall also engage in budget formation, grant applications, and resource allocation activities related to women offenders as assigned.

(h) Chair the interagency coordinating council for women offenders.

21-H:14-c Interagency Coordinating Council for Women Offenders.

I. There is established an interagency coordinating council for women offenders.

II.(a) The members of the council shall be as follows:

(1) One member of the governor's office, appointed by the governor.

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

(3) One member of the house of representatives, who shall be knowledgeable about county corrections, appointed by the speaker of the house of representatives.

- (4) The executive councilor representing district 5/Goffstown.
- (5) The commissioner of corrections, or designee with knowledge of field services, community corrections, and the family connections center at the lakes region facility.
- (6) The warden of the state prison for women.
- (7) The commissioner of health and human services, or designee with knowledge of behavioral health, alcohol and other drug policy, and the family assistance program.
- (8) The director of division of children, youth and families, or designee.
- (9) The attorney general, or designee.
- (10) The chief justice of the superior court, or designee.
- (11) The chief justice of the supreme court, or designee.
- (12) The commissioner of the department of education, or designee with knowledge of Title IX, Carl Perkins Grants, and other federal funding sources.
- (13) One member from the Hillsborough county government, appointed by the New Hampshire Association of Counties.
- (14) One former inmate at the state prison for women, appointed by the governor.
- (15) A representative from the New Hampshire commission on the status of women, appointed by the governor.
- (16) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the governor.
- (17) A representative from New Hampshire Task Force on Women and Addiction, appointed by the governor.
- (18) A representative from the Citizens Advisory Committee of the New Hampshire State Prison for Women, appointed by the governor.
- (19) A community member with knowledge of correctional practices with particular expertise with female offenders, appointed by the governor.
- (b) Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The duties of the council shall be as follows:

- (a) Identify opportunities for interagency cooperation in the effective management of female offenders.
- (b) Develop memoranda of understanding outlining "in-kind" services or cooperation to provide services to incarcerated women and their children.
- (c) Develop cross training opportunities to foster understanding of system responses to the shared population across agencies of incarcerated women and their children.
- (d) Develop gender-specific treatment for co-occurring conditions and a continuity of treatment from incarceration to community.
- (e) Coordinate interagency case management and re-entry planning.
- (f) Assess the impact of incarceration on family relations during and after incarnation.
- (g) Approve the hiring of an administrator of women offenders and family services, to assist the council in performance of its duties.
- (h) Apply and administer federal and private sector grants for the furtherance of the duties of the council and the development of gender-responsive, trauma-informed management of female offenders and their children.

IV. The council shall meet at least monthly during its first year, then at least quarterly thereafter. The administrator of women offenders and family services shall act as chairperson of the council. The council shall convene at the call of the chair when deemed necessary by the chairperson.

V. The term of each member appointed under paragraph III who has a term of office shall be coterminous with their term in office. The terms of the remaining members shall be for 3 years. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment.

2 New Classified Position; Funding. The position of administrator of women offenders and family services established under RSA 21-H:14-b, as inserted by section 1 of this act, shall be a classified position at labor grade 33. Funding for this position shall not affect the general fund appropriations reduction required in 2005, 176: 11. The funding for the administrator of women offenders and family services position shall be from the department of corrections' fiscal year 2007 operating budget.

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

2006-1199s

AMENDED ANALYSIS

This bill establishes an administrator of women offenders and family services, and an interagency coordinating council on women offenders, and makes an appropriation to the department of corrections to hire an administrator of women offenders and family services.

Amendment adopted.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

February 22, 2006

2006-1180s

08/09

Floor Amendment to SB 262

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

AN ACT establishing the positions of administrator of women offenders and family services and administrator of male offenders and family services within the department of corrections, and establishing interagency coordinating councils on women and male offenders, and making an appropriation therefor.

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

1 New Sections; Administrator of Women Offenders and Family Services; Council Established. Amend RSA 21-H by inserting after section 14-a the following new sections:

21-H:14-b Administrator of Women Offenders and Family Services.

I. There is hereby created the position of administrator of women offenders and family services within the department of corrections. The administrator shall be responsible for programming and services for women offenders in the statewide adult correctional system including probation, parole, and correctional facilities. The administrator of women offenders and family services shall be a classified position.

II. The administrator shall:

(a) Establish goals and objectives for statewide correctional systems within the framework of the department's philosophy, including planning, organizing, implementing, directing, and monitoring statewide gender-responsive programs and services, as well as developing policies, procedures and standards for the provision of such programs and services. The administrator shall participate in the development, implementation, and review of all policies, directives, and standards that involve supervision of women offenders. The administrator shall also coordinate continuum and continuation of gender-responsive services to women offenders moving from one setting to another, and re-entering their communities.

(b) Write standards for, execute, and monitor all non-clinical contracts with service providers who work exclusively with women offenders. The administrator shall review and provide feedback on an ongoing basis on all clinical contracts and services for women offenders regarding consistency with contract language and gender-responsive principles.

(c) Establish and coordinate partnerships, and maintain working relationships within the department of health and human services, with other government agencies, with communities and with community-based organizations, volunteers, advocacy groups, the academic community, and other external stakeholders.

(d) Provide supervision and technical assistance to field and women's facility superintendents and managers regarding issues related to women offenders and gender-responsive programs, services, and practices. The administrator shall provide input into the evaluations of other facility superintendents, field managers, and personnel relative to their roles in the supervision and provision of services for women offenders.

(e) Provide input regarding necessary data collection and evaluation to measure effective programming and supervision of women offenders. The administrator shall consult with and provide input with other directors regarding appropriate levels of staffing in both the field and institutions responsible for the management of women offenders. The administrator shall also confer with and make recommendations to the commissioner regarding women offender supervision and services and oversee the planning, development, and implementation of training guidelines for staff working with women offenders, and recommend changes in duties assigned to casework and security staff who work with women offenders.

(f) Review internal and external investigations into personnel and administrative and criminal matters involving women offenders. The administrator shall act as a resource in cases of staff sexual misconduct involving women offenders and provide input into personnel actions for addressing misconduct involving staff who work with women offenders and misconduct involving women offenders.

(g) Be involved in review and evaluation of expenditures and spending plans as they relate to the provision of program services for women offenders. The administrator shall prepare budget recommendations regarding women offenders' program services consistent with the departmental budget cycle. The administrator shall also engage in budget formation, grant applications, and resource allocation activities related to women offenders as assigned.

(h) Chair the interagency coordinating council for women offenders.

21-H:14-c Interagency Coordinating Council for Women Offenders.

I. There is established an interagency coordinating council for women offenders.

II.(a) The members of the council shall be as follows:

- (1) One member of the governor's office, appointed by the governor.
- (2) One member of the senate, appointed by the president of the senate.
- (3) One member of the house of representatives, who shall be knowledgeable about county corrections, appointed by the speaker of the house of representatives.
- (4) The executive councilor representing district 5/Goffstown.
- (5) The warden of the state prison for women.
- (6) The commissioner of health and human services, or designee with knowledge of behavioral health, alcohol and other drug policy, and the family assistance program.
- (7) The director of division of children, youth and families, or designee.
- (8) The attorney general, or designee.
- (9) The chief justice of the superior court, or designee.
- (10) The chief justice of the supreme court, or designee.
- (11) The commissioner of the department of education, or designee with knowledge of Title IX, Carl Perkins Grants, and other federal funding sources.
- (12) One member from the Hillsborough county government, appointed by the New Hampshire Association of Counties.
- (13) One former inmate at the state prison for women, appointed by the governor.
- (14) A representative from the New Hampshire commission on the status of women, appointed by the governor.
- (15) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the governor.
- (16) A representative from New Hampshire Task Force on Women and Addiction, appointed by the governor.
- (17) A representative from the Citizens Advisory Committee of the New Hampshire State Prison for Women, appointed by the governor.
- (18) A community member with knowledge of correctional practices with particular expertise with female offenders, appointed by the governor.

(b) Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The duties of the council shall be as follows:

(a) Identify opportunities for interagency cooperation in the effective management of female offenders.

(b) Develop memoranda of understanding outlining "in-kind" services or cooperation to provide services to incarcerated women and their children.

(c) Develop cross training opportunities to foster understanding of system responses to the shared population across agencies of incarcerated women and their children.

(d) Develop gender-specific treatment for co-occurring conditions and a continuity of treatment from incarceration to community.

(e) Coordinate interagency case management and re-entry planning.

(f) Assess the impact of incarceration on family relations during and after incarceration.

(g) Approve the hiring of an administrator of women offenders and family services, to assist the council in performance of its duties.

(h) Apply and administer federal and private sector grants for the furtherance of the duties of the council and the development of gender-responsive, trauma-informed management of female offenders and their children.

IV. The council shall meet at least monthly during its first year, then at least quarterly thereafter. The administrator of women offenders and family services shall act as chairperson of the council. The council shall convene at the call of the chair when deemed necessary by the chairperson.

V. The term of each member appointed under paragraph III who has a term of office shall be coterminous with their term in office. The terms of the remaining members shall be for 3 years. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment.

21-H:14-d Administrator of Male Offenders and Family Services.

I. There is hereby created the position of administrator of male offenders and family services within the department of corrections. The administrator shall be responsible for programming and services for male offenders in the statewide adult correctional system including probation, parole, and correctional facilities. The administrator of male offenders and family services shall be a classified position.

II. The administrator shall:

(a) Establish goals and objectives for statewide correctional systems within the framework of the department's philosophy, including planning, organizing, implementing, directing, and monitoring statewide gender-responsive programs and services, as well as developing policies, procedures and standards for the provision of such programs and services. The administrator shall participate in the development, implementation, and review of all policies, directives, and standards that involve supervision of male offenders. The administrator shall also coordinate continuum and continuation of gender-responsive services to male offenders moving from one setting to another, and re-entering their communities.

(b) Write standards for, execute, and monitor all non-clinical contracts with service providers who work exclusively with male offenders. The administrator shall review and provide feedback on an ongoing basis on all clinical contracts and services for male offenders regarding consistency with contract language and gender-responsive principles.

(c) Establish and coordinate partnerships, and maintain working relationships within the department of health and human services, with other government agencies, with communities and with community-based organizations, volunteers, advocacy groups, the academic community, and other external stakeholders.

(d) Provide supervision and technical assistance to field and men's facility superintendents and managers regarding issues related to male offenders and gender-responsive programs, services, and practices. The administrator shall provide input into the evaluations of other facility superintendents, field managers, and personnel relative to their roles in the supervision and provision of services for male offenders.

(e) Provide input regarding necessary data collection and evaluation to measure effective programming and supervision of male offenders. The administrator shall consult with and provide input with other directors regarding appropriate levels of staffing in both the field and institutions responsible for the management of male offenders. The administrator shall also confer with and make recommendations to the com-

missioner regarding male offender supervision and services and oversee the planning, development, and implementation of training guidelines for staff working with male offenders, and recommend changes in duties assigned to casework and security staff who work with male offenders.

(f) Review internal and external investigations into personnel and administrative and criminal matters involving male offenders. The administrator shall act as a resource in cases of staff sexual misconduct involving male offenders and provide input into personnel actions for addressing misconduct involving staff who work with male offenders and misconduct involving male offenders.

(g) Be involved in review and evaluation of expenditures and spending plans as they relate to the provision of program services for male offenders. The administrator shall prepare budget recommendations regarding male offenders' program services consistent with the departmental budget cycle. The administrator shall also engage in budget formation, grant applications, and resource allocation activities related to male offenders as assigned.

(h) Chair the interagency coordinating council for male offenders.

21-H:14-e Interagency Coordinating Council for Male Offenders.

I. There is established an interagency coordinating council for male offenders.

II.(a) The members of the council shall be as follows:

- (1) One member of the governor's office, appointed by the governor.
- (2) One member of the senate, appointed by the president of the senate.
- (3) One member of the house of representatives, who shall be knowledgeable about county corrections, appointed by the speaker of the house of representatives.
- (4) The executive councilor representing district 2/Concord.
- (5) The executive councilor representing district 1/Berlin.
- (6) The commissioner of corrections, or designee with knowledge of field services, community corrections, and the family connections center at the lakes region facility.
- (7) The warden of the northern New Hampshire correctional facility for men.
- (8) The warden of the state prison for men.
- (9) The warden of the lakes region facility.
- (10) The commissioner of health and human services, or designee with knowledge of behavioral health, alcohol and other drug policy, and the family assistance program.
- (11) The director of division of children, youth and families, or designee.
- (12) The attorney general, or designee.
- (13) The chief justice of the superior court, or designee.
- (14) The chief justice of the supreme court, or designee.
- (15) The commissioner of the department of education, or designee with knowledge of Title IX, Carl Perkins Grants, and other federal funding sources.
- (16) One member from the Merrimack county government, appointed by the New Hampshire Association of Counties.
- (17) One member of the Coos county government, appointed by the New Hampshire Association of Counties.
- (18) One member of the Belknap county government, appointed by the New Hampshire Association of Counties.
- (19) One former inmate at northern New Hampshire correctional facility, appointed by the governor.
- (20) One former inmate at the state prison for men, located in Concord, appointed by the governor.
- (21) One former inmate at the lakes region correctional facility, appointed by the governor.
- (22) One representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the governor.

(23) A representative from the citizen's advisory committee for the northern New Hampshire correctional facility.

(24) One representative from the alcohol drug abuse, prevention, intervention and treatment commission.

(25) One representative from the New Hampshire commission on the status of men.

(24) One representative from the National Congress for Fathers and Children.

(26) One representative from the Stop Abuse For Everyone organization.

(b) Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The duties of the council shall be as follows:

(a) Identify opportunities for interagency cooperation in the effective management of male offenders.

(b) Develop memoranda of understanding outlining "in-kind" services or cooperation to provide services to incarcerated men and their children.

(c) Develop cross training opportunities to foster understanding of system responses to the shared population across agencies of incarcerated men and their children.

(d) Develop gender-specific treatment for co-occurring conditions and a continuity of treatment from incarceration to community.

(e) Coordinate interagency case management and re-entry planning.

(f) Assess the impact of incarceration on family relations during and after incarnation.

(g) Approve the hiring of an administrator of men offenders and family services, to assist the council in performance of its duties.

(h) Apply and administer federal and private sector grants for the furtherance of the duties of the council and the development of gender-responsive, trauma-informed management of male offenders and their children.

IV. The council shall meet at least monthly during its first year, then at least quarterly thereafter. The administrator of male offenders and family services shall act as chairperson of the council. The council shall convene at the call of the chair when deemed necessary by the chairperson.

V. The term of each member appointed under paragraph III who has a term of office shall be coterminous with their term in office. The terms of the remaining members shall be for 3 years. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment.

2 Appropriation to the Department of Corrections. The sum of \$ 150,000 is hereby appropriated for the fiscal year ending June 30, 2006 to the department of corrections, for the purpose of hiring an administrator of women offenders and family services and an administrator of male offenders and family services. The department also may accept any grants or federal funds available for such purpose. The funds shall be in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2006-1180s

AMENDED ANALYSIS

This bill establishes an administrator of women offenders and family services, an administrator of male offenders and family services, an interagency coordinating council on women offenders, and an into agency coordinating council on male offenders. The bill makes an appropriation to the department of corrections to hire an administrator of women offenders and family services and an administrator of male offenders and family services.

The question is on adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

The following Senators voted Yes: Kenney, Boyce, Bragdon, Clegg, Gatsas, Letourneau.

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

Yeas: 6 - Nays: 16

Floor amendment failed.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Clegg is in opposition to SB 262.

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Foster for the committee.

**Senate Judiciary
February 22, 2006
2006-1209s
03/04**

Amendment to SB 333

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

1 New Paragraph; Penalties for Intoxication or Under Influence of Drugs Offenses; Inquiry. Amend RSA 265:82-b by inserting after paragraph VIII the following new paragraph:

IX. In every case of a conviction or a plea of guilty to a violation of RSA 265:82 or RSA 265:82-a, the court shall inquire of the defendant, before sentencing, regarding whether the defendant was served alcohol prior to the violation at an establishment licensed to serve alcohol on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted by the clerk to the liquor commission and such establishment.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 355-FN, relative to unlawful possession of alcohol by a minor. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

**Senate Judiciary
February 22, 2006
2006-1208s
03/04**

Amendment to SB 355-FN

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

1 Unlawful Possession of Alcohol by a Minor. Amend RSA 179:10 to read as follows:

179:10 Unlawful Possession [~~and Intoxication~~] **of Alcohol by a Minor.**

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who [~~is intoxicated by consumption of an~~] **has consumed any** alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense shall be fined at least \$600. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of [~~intoxication~~] **consumption**. [~~No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court.~~] **In lieu of any or all portions of such fines, the court may impose community service for such period as the court deems appropriate under the circumstances.** In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

II. Except for persons convicted on the basis of [intoxication] ***having consumed an alcoholic beverage***, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

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

2006-1208s

AMENDED ANALYSIS

This bill changes the prohibition on intoxication by a minor to a prohibition on consumption of any alcoholic beverage by a minor.

Amendment adopted.

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

A roll call was requested by Senator Roberge.

Seconded by Senator Barnes.

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

The following Senators voted No: Gallus, Boyce, Clegg, Estabrook.

Yeas: 19 - Nays: 4

Adopted.

Ordered to third reading.

SB 356-FN, relative to undue hardship knowingly caused by persons aiding in the transfer of assets. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

SB 401-FN, relative to the Hanover-Lebanon District Court. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

**Senate Judiciary
February 23, 2006
2006-1231s
08/09**

Amendment to SB 401-FN

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

AN ACT establishing a committee to study the weighted caseload system.

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

1 Committee Established. There is established a committee to study the weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

4 Chairperson; Meetings; 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.

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 December 1, 2006.

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

2006-1231s

AMENDED ANALYSIS

This bill establishes a committee to study the weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

MOTION TO TABLE

Senator Boyce moved to have SB 401-FN laid on the table.

Adopted.

LAI D ON THE TABLE

SB 401-FN, relative to the Hanover-Lebanon District Court.

MOTION TO REMOVE FROM THE TABLE

Senator Flanders moved to have SB 401-FN removed from the table.

Adopted.

SB 401-FN, relative to the Hanover-Lebanon District Court.

The question is on the adoption of the committee amendment (1231).

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

March 8, 2006

2006-1306s

09/01

Floor Amendment to SB 401-FN

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

AN ACT establishing a committee to study the weighted caseload system and requiring a minimum number of judicial days to be held at the Lebanon District Court.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Lebanon District Court. During calendar year 2006, the Lebanon District Court shall be operated with the same number of judicial days as were held in 2005.

2006-1306s

AMENDED ANALYSIS

This bill establishes a committee to study the weighted caseload system and its impact on the number of judges needed in and assigned to certain district courts.

The bill also requires a minimum number of judicial days to be held at the Lebanon District Court during calendar year 2006.

Floor amendment failed.

MOTION TO TABLE

Senator Boyce moved to have SB 401-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 401-FN, relative to the Hanover-Lebanon District Court.

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 241, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

SB 323, establishing a legislative youth advisory council. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

SB 327, establishing the New Hampshire civil war cannon restoration fund. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

SB 337, relative to the sale and repurchase of property acquired by tax deed. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

SB 390, relative to membership of the board of tax and land appeals. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-2. Senator Barnes for the committee.

MOTION TO TABLE

Senator D'Allesandro moved to have SB 390 laid on the table.

Adopted.

LAID ON THE TABLE

SB 390, relative to membership of the board of tax and land appeals.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 6-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 1198, establishing a committee to study highway rest areas. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

MOTION TO TABLE

Senator Martel moved to have HB 1198 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1198, establishing a committee to study highway rest areas.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 6-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 304, relative to negotiating provider payments by the commissioner of the department of health and human services. Ways and Means Committee. Inexpedient to Legislate, Vote 3-2. Senator Clegg for the committee.

Motion failed.

Senator Green moved ought to pass.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 363-FN-A-L, requiring the department of revenue administration to cease collection of any Internet-related communications services tax and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. Ways and Means Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Ways and Means

February 22, 2006

2006-1215s

09/01

Amendment to SB 363-FN-A-LOCAL

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

AN ACT prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

Amend the bill by replacing section 1 with the following:

1 Internet Tax Freedom Act; Compliance. The department of revenue administration shall not collect any communications services tax under RSA 82-A that is not permissible under federal law.

2006-1215s

AMENDED ANALYSIS

This bill prohibits the department of revenue administration from collecting any communications services tax that is not permissible under federal law. The bill also establishes a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 1605-FN, relative to transfers from prepaid fish and game license fund. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

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. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

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 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts.

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption.

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

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

SB 302-FN, relative to real estate brokers.

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

SB 323, establishing a legislative youth advisory council.

SB 327, establishing the New Hampshire civil war cannon restoration fund.

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants.

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

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

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

HB 380, relative to absentee voting.

HB 649-FN-A-L, establishing a commission to study the costs and funding of medicolegal investigations and autopsies.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

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 1296, relative to the voluntary scrapie flock certification program.

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

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.

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.