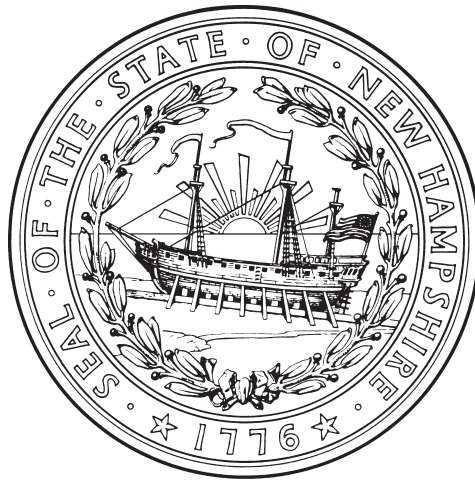


April 5, 2007
Nos. 10 - 11

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 29, 2007 SESSION
COMMENCEMENT – APRIL 5, 2007 SESSION

SENATE JOURNAL 10 (*Cont.*)

March 29, 2007

Out of Recess.

INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 265**, 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

07-1337

SB 265-FN, relative to the state apprenticeship council and the regulation of apprenticeship programs.
(D'Allesandro, Dist 20: 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 98, relative to the situation of landfills on land owned by municipalities.

HB 102, defining "food" for purposes of the alcoholic beverages laws.

HB 152, relative to public access to meeting minutes.

HB 236, relative to the use of "farmers' market" in trade names.

HB 256, relative to the duties and powers of town treasurers.

HB 257, allowing towns to appoint or elect a town treasurer.

HB 261, prohibiting the Carroll county attorney from engaging in the private practice of law.

HB 281, relative to the cancellation of buying club memberships.

HB 286-FN, relative to a Medicaid waiver for family planning services.

HB 306, establishing a task force on work and family.

HB 307, relative to examinations of electricians by the electricians' board.

HB 316, relative to the 5-year assessment review by the department of revenue administration.

HB 324, relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools.

HB 327, allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies.

HB 334, relative to the hours for on-premises sale of alcoholic beverages.

HB 362, relative to the advisory committee on quality of vital records information.

HB 365, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry.

HB 367, relative to incompatible offices.

HB 409, relative to liquor licenses for sports recreation facilities.

HB 417-FN-A, allowing the department of safety to transfer funds within the budget of the division of state police.

HB 418, relative to RV friendly highway signs.

HB 426, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors.

HB 427, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris.

HB 428, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris.

HB 460, relative to conservation restrictions to protect public water supplies.

HB 466-L, relative to removal of vehicles from state park and ride lots.

HB 468, relative to establishing the freedom's way heritage area and commission.

HB 469, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms.

HB 473-FN, relative to reimbursement for members of the council for teacher education.

HB 482, adding the song "Live Free or Die" as an official state song.

HB 483-FN, relative to mosquito control districts.

HB 499, relative to the innovative research center.

HB 517, establishing a commission to investigate cost drivers in providing health care.

HB 532, relative to insurance fraud.

HB 542, establishing a study committee to study the approval process of nursing education programs.

HB 588-FN-L, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin.

HB 590-FN, changing the state migratory waterfowl stamp into a license issued by the fish and game department.

HB 598-FN-A, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax.

HB 604-FN, prohibiting the taking of deer from baited areas.

HB 609-FN, relative to disclosure of campaign contributions in local elections.

HB 638-FN, relative to lease agreements entered into by the department of transportation.

HB 657, authorizing the executive director of fish and game to issue moose hunting adventure permits.

HB 658, prohibiting the taking of game by use of a tranquilizer.

HB 705, relative to the disposal of highway or turnpike funded real estate.

HB 723, extending the moratoriums on nursing home beds and rehabilitation.

HB 846, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department.

HCR 3, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure.

HCR 5, endorsing the National Health Insurance Act.

HCR 6, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 98 to HCR 6**, 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 98, relative to the situation of landfills on land owned by municipalities. (Public and Municipal Affairs)

HB 102, defining “food” for purposes of the alcoholic beverages laws. (Commerce, Labor and Consumer Protection)

HB 152, relative to public access to meeting minutes. (Public and Municipal Affairs)

HB 236, relative to the use of “farmers’ market” in trade names. (Commerce, Labor and Consumer Protection)

HB 256, relative to the duties and powers of town treasurers. (Public and Municipal Affairs)

HB 257, allowing towns to appoint or elect a town treasurer. (Public and Municipal Affairs)

HB 261, prohibiting the Carroll county attorney from engaging in the private practice of law. (Judiciary)

HB 281, relative to the cancellation of buying club memberships. (Commerce, Labor and Consumer Protection)

HB 286-FN, relative to a Medicaid waiver for family planning services. (Health and Human Services)

HB 306, establishing a task force on work and family. (Commerce, Labor and Consumer Protection)

HB 307, relative to examinations of electricians by the electricians’ board. (Executive Departments and Administration)

HB 316, relative to the 5-year assessment review by the department of revenue administration. (Public and Municipal Affairs)

HB 324, relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools. (Education)

HB 327, allowing collaborative pharmacy practice agreements to include pharmacy locations during declared emergencies. (Health and Human Services)

HB 334, relative to the hours for on-premises sale of alcoholic beverages. (Commerce, Labor and Consumer Protection)

HB 362, relative to the advisory committee on quality of vital records information. (Executive Departments and Administration)

HB 365, establishing a commission to study foreclosures of home mortgages and the foreclosure rescue scam industry. (Commerce, Labor and Consumer Protection)

HB 367, relative to incompatible offices. (Election Law and Internal Affairs)

HB 409, relative to liquor licenses for sports recreation facilities. (Commerce, Labor and Consumer Protection)

HB 417-FN-A, allowing the department of safety to transfer funds within the budget of the division of state police. (Finance)

HB 418, relative to RV friendly highway signs. (Transportation and Interstate Cooperation)

HB 426, relative to workers’ compensation rates and resolution of disputes relative to classification of employees or independent contractors. (Commerce, Labor and Consumer Protection)

HB 427, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris. (Energy, Environment and Economic Development)

HB 428, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris. (Energy, Environment and Economic Development)

HB 460, relative to conservation restrictions to protect public water supplies. (Energy, Environment and Economic Development)

HB 466-L, relative to removal of vehicles from state park and ride lots. (Transportation and Interstate Cooperation)

HB 468, relative to establishing the freedom’s way heritage area and commission. (Energy Environment and Economic Development)

HB 469, relative to on-premises cocktail lounge licenses for caterers and relative to beverage manufacturer hospitality rooms. (Commerce, Labor and Consumer Protection)

HB 473-FN, relative to reimbursement for members of the council for teacher education. (Finance)

HB 482, adding the song "Live Free or Die" as an official state song. (Election Law and Internal Affairs)

HB 483-FN, relative to mosquito control districts. (Health and Human Services)

HB 499, relative to the innovative research center. (Energy, Environment and Economic Development)

HB 517, establishing a commission to investigate cost drivers in providing health care. (Health and Human Services)

HB 532, relative to insurance fraud. (Commerce, Labor and Consumer Protection)

HB 542, establishing a study committee to study the approval process of nursing education programs. (Health and Human Services)

HB 588-FN-L, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin. (Transportation and Interstate Cooperation)

HB 590-FN, changing the state migratory waterfowl stamp into a license issued by the fish and game department. (Wildlife, Fish and Game)

HB 598-FN-A, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax. (Ways and Means)

HB 604-FN, prohibiting the taking of deer from baited areas. (Wildlife, Fish and Game)

HB 609-FN, relative to disclosure of campaign contributions in local elections. (Election Law and Internal Affairs)

HB 638-FN, relative to lease agreements entered into by the department of transportation. (Finance)

HB 657, authorizing the executive director of fish and game to issue moose hunting adventure permits. (Wildlife, Fish and Game)

HB 658, prohibiting the taking of game by use of a tranquilizer. (Wildlife, Fish and Game)

HB 705, relative to the disposal of highway or turnpike funded real estate. (Transportation and Interstate Cooperation)

HB 723, extending the moratoriums on nursing home beds and rehabilitation. (Health and Human Services)

HB 846, transferring certain land in the town of Stoddard from the Trust for Public Land to the fish and game department. (Wildlife, Fish and Game)

HCR 3, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure. (Election Law and Internal Affairs)

HCR 5, endorsing the National Health Insurance Act. (Election Law and Internal Affairs)

HCR 6, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system. (Election Law and Internal Affairs)

HOUSE MESSAGE

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

SB 36, eliminating straight ticket voting.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 11

April 5, 2007

The Senate met at 10:00 a.m.

A quorum was present.

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

God, You are the author of the Great Story but we are each invited to write our own subplot. Lead us, as You led the children of Israel from Egypt, toward a kind of freedom that enables us to know not only what to do but keeps us closely connected to why we do it.
Amen

Senator Gottesman led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 131, relative to insurance coverage for services of midwives. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-1. Senator Cilley for the committee.

Sen. Gottesman, Dist. 12

March 27, 2007

2007-0936s

01/04

Amendment to SB 131

Amend the bill by replacing sections 1-4 with the following:

1 Services Performed by Certified Midwives. Amend RSA 415:6-1 to read as follows:

415:6-1 Coverage for Certified Midwives; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing maternity benefits, shall also provide to certificate holders of such insurance, who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided ~~[in a licensed health care facility and]~~ within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All insurers or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other providers contracted for the same procedures.***

2 Coverage for Certified Midwives; Group. Amend RSA 415:18-q to read as follows:

415:18-q Coverage for Certified Midwives. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided ~~[in a licensed health care facility and]~~ within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All insurers or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other providers contracted for the same procedures.***

3 Coverage for certified Midwives; Health Service Corporations. Amend RSA 420-A:17-f to read as follows:

420-A:17-f Coverage for Certified Midwives. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of

each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All health service corporations or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other providers contracted for the same procedures.***

4 Services for Certified Midwives; Health Maintenance Organizations. Amend RSA 420-B:8-p to read as follows:

420-B:8-p Coverage for Certified Midwives. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All health maintenance organizations or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other providers contracted for the same procedures.***

2007-0936s

AMENDED ANALYSIS

This bill clarifies where services rendered by certified midwives may be performed for insurance coverage purposes. This bill also requires all insurers, including health service corporations and health maintenance organizations, to compensate certified midwives at equal reimbursement rates as other providers contracted for the same procedures.

Amendment failed.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

April 4, 2007

2007-1180s

01/03

Floor Amendment to SB 131

Amend the bill by replacing sections 1-4 with the following:

1 Services Performed by Certified Midwives. Amend RSA 415:6-l to read as follows:

415:6-l Coverage for Certified Midwives; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing maternity benefits, shall also provide to certificate holders of such insurance, who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All insurers or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other mid-level practitioners, as defined in 21 C.F.R. section 1300.01(b)(28), contracted for the same procedures.***

2 Coverage for Certified Midwives; Group. Amend RSA 415:18-q to read as follows:

415:18-q Coverage for Certified Midwives. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, cov-

erage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All insurers or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other mid-level practitioners, as defined in 21 C.F.R. section 1300.01(b)(28), contracted for the same procedures.***

3 Coverage for Certified Midwives; Health Service Corporations. Amend RSA 420-A:17-f to read as follows:

420-A:17-f Coverage for Certified Midwives. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All health service corporations or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other mid-level practitioners, as defined in 21 C.F.R. section 1300.01(b)(28), contracted for the same procedures.***

4 Services for Certified Midwives; Health Maintenance Organizations. Amend RSA 420-B:8-p to read as follows:

420-B:8-p Coverage for Certified Midwives. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D, ***wherever performed***. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided [~~in a licensed health care facility and~~] within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. ***All health maintenance organizations or any other entity responsible for determining rates of reimbursement shall compensate certified midwives at equal reimbursement rates as other mid-level practitioners, as defined in 21 C.F.R. section 1300.01(b)(28), contracted for the same procedures.***

2007-1180s

AMENDED ANALYSIS

This bill clarifies where services rendered by certified midwives may be performed for insurance coverage purposes. This bill also requires all insurers, including health service corporations and health maintenance organizations, to compensate certified midwives at equal reimbursement rates as other mid-level practitioners contracted for the same procedures.

Floor amendment adopted.

MOTION TO TABLE

Senator D'Allesandro moved to have SB 131 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 131, relative to insurance coverage for services of midwives.

SB 154, relative to the worker's compensation compliance statement. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

SB 188, relative to unfair claim settlement practices by insurers. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Gottesman for the committee.

Commerce, Labor and Consumer Protection

March 27, 2007

2007-1022s

01/09

Amendment to SB 188

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

2 New Paragraph; Action Against Supplier. Amend RSA 417:19 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraphs I and II, a consumer, or any other person or entity, may bring an action against a supplier under RSA 358-A for violations of the provisions of RSA 417:4 independent of any actions taken by the insurance commissioner under this chapter.

MOTION TO TABLE

Senator Hassan moved to have SB 188 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 188, relative to unfair claim settlement practices by insurers.

Senator Gottesman is in opposition to the motion to table SB 188.

SB 189, relative to medical benefits under motor vehicle insurance. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

April 2, 2007

2007-1095s

01/03

Floor Amendment to SB 189

Amend RSA 264:16, I as inserted by section 1 of the bill by replacing it with the following:

I. Any motor vehicle liability policy, as defined in RSA 259:61, covering a private passenger automobile and issued with respect to any motor vehicle registered or principally garaged in this state, shall provide coverage therein or supplemental thereto in an amount equal to or greater than \$1,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in said vehicle. Such coverage shall apply only to medical costs incurred during one year following the date the injuries are sustained. ***Health insurance carriers shall not coordinate benefits against the medical payments coverage and such coverage shall not be used to offset or coordinate with any other insurance benefits.***

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 218, relative to notice of sale requirements for manufactured housing parks. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-1. Senator DeVries for the committee.

MOTION TO TABLE

Senator DeVries moved to have SB 218 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 218, relative to notice of sale requirements for manufactured housing parks.

SB 244, relative to employers withholding from employees' wages for the use of health or fitness facilities. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 5-0. Senator Reynolds for the committee.

Sen. Gottesman, Dist. 12

March 26, 2007

2007-0992s

06/09

Amendment to SB 244

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

AN ACT relative to employers withholding from employees' wages for certain purposes.

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

1 Withholding of Wages. Amend RSA 275:48, I(a)-(b) to read as follows:

(a) The employer is required or empowered to do so by state or federal law, ***including payroll taxes.***

(b) The employer has a written authorization by the employee for deductions for a lawful purpose accruing to the benefit of the employee as provided in regulations issued by the commissioner [or], as provided in subparagraph (d) ***or for any of the following:***

(1) Union dues;

(2) Health, welfare pension, and apprenticeship fund contributions;

(3) Voluntary contributions to charities;

(4) Housing and utilities;

(5) Payments into savings funds held by someone other than the employer;

(6) Voluntary rental fees for non-required clothing;

(7) Voluntary cleaning of uniforms and non-required clothing;

(8) The employee's use of a vehicle under by RSA 261:111, III;

(9) Medical, surgical, hospital and other group insurance benefits without financial advantage to the employer, when the employee has given his or her written authorization and deductions are duly recorded; and

(10) Required clothing not covered by the definition of uniform.

2 New Subparagraph; Withholding of Wages. Amend RSA 275:48, I(d) by inserting after subparagraph (5) the following new subparagraph:

(6) Voluntary payments for the employee's use of a health or fitness facility that is sponsored by the employer for the benefit of its employees and that is located within the employer's facility or workplace, as evidenced by a document that includes the following:

(A) The time the payments will begin and end.

(B) The amounts to be deducted.

(C) A specific agreement regarding whether the employer is allowed to deduct any amount outstanding from final wages at the termination of employment.

3 Withholding of Wages; Definitions. Amend RSA 275:48, V to read as follows:

V. For purposes of this section:

(a) "Plan administrator" means the fiduciary of the plan named in the adoption agreement who has the duties specified in the plan.

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction.

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

2007-0992s**AMENDED ANALYSIS**

This bill permits an employer to withhold a portion of an employee's wages for certain purposes.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 244.

SB 254, relative to legal representation during contract negotiations. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 53, relative to school health personnel. Education Committee. Ought to pass with amendment, Vote 2-0. Senator Fuller Clark for the committee.

Senate Education

March 28, 2007

2007-1038s

04/01

Amendment to HB 53

Amend RSA 200:31 as inserted by section 1 of the bill by replacing it with the following:

200:31 School Health Personnel. Any school board may employ or contract for [~~their~~] **its** district a licensed practical nurse (LPN) or [~~certified~~] **licensed** nursing assistant [~~(CNA)~~] (**LNA**) who shall hold an unencumbered current license in New Hampshire, to work under the [~~direct~~] supervision of the school registered nurse in accordance with rules adopted under RSA 541-A, by the board of nursing.

2007-1038s

AMENDED ANALYSIS

This bill amends the circumstances under which a licensed practical nurse or a licensed nursing assistant may work for a school district.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 87, relative to the exceptions to compulsory school attendance. Education Committee. Ought to Pass, Vote 3-0. Senator Letourneau for the committee.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 126, relative to the definition of "school." Education Committee. Ought to pass with amendment, Vote 3-0. Senator Letourneau for the committee.

Senate Education
March 27, 2007
2007-1006s
04/10

Amendment to HB 126

Amend the bill by replacing section 3 with the following:

3 Definition of High School. Amend RSA 194:23, I to read as follows:

I. The term "high school" shall mean a public school or public academy comprising a span of grades beginning with the next grade following an approved elementary, middle or junior high school as defined by RSA 189:25 and ending with grade 12. Such a school shall:

(a) Offer those subjects prescribed by statute, including instruction in history, government, and constitutions of the United States and New Hampshire and of the organization and operation of New Hampshire municipal, county, and state government;

(b) Provide such other subjects as the school district maintaining such school shall determine by its school board or by vote of the district; ~~and~~

(c) Comply with standards prescribed by the state board of education which shall be uniform in their application to all schools; **and**

(d) Qualify a pupil to receive a diploma upon completion.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 167, relative to areas of assessment required under the statewide improvement and assessment program. Education Committee. Ought to Pass, Vote 3-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bragdon moved to have SB 173 removed from the table.

Adopted.

SB 173, relative to regulation of private postsecondary career schools.

The question is on the adoption of floor amendment (#1052).

Senator Bragdon withdrew his floor amendment.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11

April 5, 2007

2007-1186s

04/01

Floor Amendment to SB 173

Amend RSA 188-D:19, II as inserted by section 2 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) Entities offering only training courses at a total cost, including tuition and all other fees and charges of not more than \$800 per course for which no payment, including a deposit, is required or collected prior to the first day of the course. This subparagraph shall not apply to entities that use alternative delivery methods.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 258, relative to reliance on ethics committee advisory opinions. Election Law and Internal Affairs. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HCR 4, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60th anniversary of the United States Air Force. Election Law and Internal Affairs. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

SB 71, relative to setback requirements for new landfills located near designated rivers. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23

February 20, 2007

2007-0261s

08/01

Amendment to SB 71

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

1 Natural Rivers Protection. Amend RSA 483:9, VI(a) and (b) to read as follows:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment, ***or less than 100 feet from the landward extent of the 500 year flood plain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;***

(b) ***Expansion of*** existing, ~~[permitted and secure]~~ solid waste landfills shall not ~~[be expanded]~~ ***occur*** within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact. ***The provisions of this subparagraph shall not apply to landfill expansions associated with landfill closures or other landfill remedial projects at solid waste facilities in operation on January 1, 2007;***

2 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and ***shall be*** screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within ~~[the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within]~~ the corridor of a designated rural river or segment ~~[shall be set back a minimum of]~~ ***or less than*** 100 feet from the landward extent of the 500 year floodplain ***whichever distance is greater and shall be*** screened from the river with a vegetative or other natural barrier to minimize visual impact. ***The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other landfill remedial projects at solid waste facilities in operation on January 1, 2007;***

(b) ***New solid waste landfills may be permitted within the city of Rochester within the corridor off the segment defined in RSA 483:15, XIV(c), and if located in the river corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;***

(c) ***Expansion of existing solid waste landfills shall not occur within the 500 year flood plain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact. The provisions of this subparagraph shall not apply to landfill expansions associated with landfill closures or other landfill remedial projects at solid facilities in operation on January 1, 2007;***

~~[(b)](d)~~ Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

~~[(c)](e)~~ An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

~~[(d)](f)~~ The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

3 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 123, relative to pole attachments. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24

March 29, 2007

2007-1062s

06/03

Amendment to SB 123

Amend RSA 374:34-a, III-IV as inserted by section 1 of the bill by replacing it with the following:

III. "Pole attachment" means any attachment to surplus space, or use of excess capacity, by a cable television and telecommunications carrier for a wire communication system on or in any support structure located on or in any right-of-way or easement owned, controlled, or used by a public utility.

IV. "Rearrangements" means work performed, at the request of a cable television corporation, to, on, or in an existing support structure to create such surplus space or excess capacity as is necessary to make it usable for a pole attachment. When an existing support structure does not contain adequate surplus space or excess capacity and cannot be so rearranged as to create the required surplus space or excess capacity for a pole attachment, "rearrangements" shall include replacement, at the request of a cable television and telecommunications carrier, of the support structure in order to provide adequate surplus space or excess capacity.

Amend RSA 374:34-a, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and rules of the public utilities commission, to allow its use by a cable television and telecommunications carrier for a pole attachment.

Amend RSA 374:34-b as inserted by section 1 of the bill by replacing it with the following:

374:34-b Terms, Conditions, and Costs. Whenever a public utility and a cable television and telecommunications carrier or an association of cable television and telecommunications carriers are unable to agree upon the terms, conditions, or annual compensation for pole attachments or the terms, conditions, or costs of rearrangements, the commission shall determine just and reasonable rates, charges, terms, and conditions for pole attachments. The commission shall consider the effect of pole attachment rates, terms, and conditions upon the interests of subscribers of cable television services and the consumers of utility services.

Amendment failed.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

April 5, 2007

2007-1184s

06/03

Floor Amendment to SB 123

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

1 New Subdivision; Pole Attachments. Amend RSA 374 by inserting after section 34 the following new subdivision:

Pole Attachments

374:34-a Definitions. In this subdivision:

I. "Excess capacity" means volume or capacity in a support structure other than a utility pole or anchor which can be used, pursuant to the orders and rules of the public utilities commission, for a pole attachment.

II. "Minimum allowable vertical clearance" means the minimum clearance for communication conductors along rights-of-way or other areas as specified in the orders and rules of the public utilities commission.

III. "Pole attachment" means any attachment to surplus space, or use of excess capacity, by a cable television system, telecommunications carrier for a communication system, or any poll-owning entity on or in any support structure located on or in any right-of-way or easement owned, controlled, or used by a public utility.

IV. "Rearrangements" means work performed, at the request of a cable television system, telecommunications carrier, or any poll-owning entity, to, on, or in an existing support structure to create such surplus space or excess capacity as is necessary to make it usable for a pole attachment. When an existing support structure does not contain adequate surplus space or excess capacity and cannot be so rearranged as to create the required surplus space or excess capacity for a pole attachment, "rearrangements" shall include replacement, at the request of a cable television system, telecommunications carrier, or any poll-owning entity of the support structure in order to provide adequate surplus space or excess capacity.

V. "Support structure" includes, but is not limited to, a utility pole, tower, street light, anchor, duct, conduit, manhole, or handhole.

VI. "Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and rules of the public utilities commission, to allow its use by a cable television system and telecommunications carrier, or any poll-owning entity.

VII. "Usable space" means the total distance between the top of the utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance.

374:34-b Terms, Conditions, and Costs.

I. Whenever a public utility or any poll-owning entity is unable to reach agreement with a party seeking a pole attachment or rearrangements, the commission shall determine and enforce just and reasonable rates, charges, terms, and conditions for such pole attachment or rearrangements.

II. Any rates approved pursuant to paragraph I shall be no more than would be authorized pursuant to 47 U.S.C. section 224(d) for any pole attachment used by a cable television system solely to provide cable television service, regardless of the type of services provided by virtue of such attachment.

III. In determining just and reasonable rates pursuant to paragraph I, the commission shall consider the interests of the subscribers and users of the services offered via such attachments, as well as the interests of the consumers of the public utility's services.

2 Public Utility. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374:26-a, **374:34-a, 374:34-b**, 374-A, 374-C, 374-F, and 378:37-39 shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 143, relative to the criteria for the establishment of ATV and trail bike trails by the department of resources and economic development. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Sen. Odell, Dist. 8

Sen. Gallus, Dist. 1

March 29, 2007

2007-1063s

10/04

Amendment to SB 143

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

AN ACT naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.

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

1 New Paragraph; ATV and Trail Bike Evaluation Process; Authority for Waiver. Amend RSA 215A:43 by inserting after paragraph V the following new paragraph:

VI. The supervisor of the bureau of trails, subject to approval of the commissioner of resources and economic development and upon consultation with the commissioner of environmental services, the executive director of fish and game, and the commissioner of transportation, shall have the authority to waive one or more of the provisions of paragraphs I and II for the purpose of establishing trails in Jericho Mountain state park and any trail connectors or crossings which directly connect to Jericho Mountain state park.

2 State Park Named; Jericho Mountain State Park. The property acquired in the city of Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired in the future, shall be hereby called Jericho Mountain State Park.

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

2007-1063s

AMENDED ANALYSIS

This bill allows the bureau of trails, department of resources and economic development to waive certain criteria in the evaluation process for establishment of ATV and trail bike trails relative to Jericho Mountain state park.

This bill also names the Jericho Mountain state park in Berlin.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 157, establishing a commission to study the barriers to the establishment of all-terrain vehicle trails on public and private lands. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Sen. Cilley, Dist. 6

March 30, 2007

2007-1077s

01/09

Amendment to SB 157

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

AN ACT establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks.

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

1 Committee Established. There is established a committee to study the creation of a master plan for the development of future all-terrain vehicle parks.

2 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two 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 criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks and the specific factors to be considered in creating such a master plan. The committee may solicit testimony from any organization or individual with information or expertise relevant to the committee's objective.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

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

2007-1077s

AMENDED ANALYSIS

This bill establishes a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 158, relative to review of activities affecting surface waters. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 5-0. Senator Cilley for the committee.

Adopted.

SB 158 is re-referred to the Energy, Environment and Economic Development Committee.

SB 162, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO). Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Sen. Cilley, Dist. 6

March 30, 2007

2007-1073s

06/04

Amendment to SB 162

Amend RSA 19-L:1, II(e)-(f) as inserted by section 1 of the bill by replacing it with the following:

(e) The New Hampshire state point of contact for the United States Trade Representative.

(f) Three public members as follows: one health care professional, one representative of a New Hampshire based manufacturing business with 25 or more employees, and one representative of an economic development organization, appointed by the governor.

Amend RSA 19-L:1, II as inserted by section 1 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) One member of the advisory committee on international trade.

Amend RSA 19-L:2, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall:

(a) Meet at least twice annually.

(b) Hear public testimony and recommendations from the people of the state and qualified experts, when appropriate, at no fewer than 2 locations throughout the state each year on the actual and potential social, environmental, economic, and legal impacts of international trade agreements and negotiations on the state.

(c) Conduct a bi-annual assessment of the impact of international trade agreements on New Hampshire state laws, municipal laws, working conditions, and business environment, and identify new and emerging concerns that merit further attention.

Amend RSA 19-L:4 as inserted by section 1 of the bill by replacing it with the following:

19-L:4 Annual Report. The commission shall issue an annual report, describing the activities of the commission and the issues raised at public hearings, beginning on November 1, 2008 to the governor, the speaker of the house of representatives, the president of the senate, the New Hampshire congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States trade representative, and the state library.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect on January 1, 2015.

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

2007-1073s

AMENDED ANALYSIS

This bill establishes a citizens trade policy commission to evaluate the impact of existing and proposed international trade agreements on the ability of the state of New Hampshire and its municipalities to pass laws and ordinances regarding public health and safety, environmental protection, labor standards, state and local procurement, and the provision of public services.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 166-FN, relative to renewal of port moorings. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24

March 30, 2007

2007-1070s

03/05

Amendment to SB 166-FN

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

AN ACT relative to port moorings.

Amend the bill by replacing section 1 with the following:

1 Pease Development Authority; Division of Ports and Harbors; Authority Relative to Mooring Permits. Amend RSA 12-G:42, VI-XI to read as follows:

VI. Administer and enforce permit programs for the placement and use of moorings and state-owned slips in state tidal waters, including waiting lists for such permits. ***In addition to any annual or other permits, approvals, or authorizations issued by the division pursuant to any permit program authorized under this paragraph to the owner of a mooring, the division shall adopt rules pursuant to paragraph X to provide for temporary use of moorings and mooring locations in state tidal waters to maximize the usage of mooring locations to the extent practicable. No temporary***

use of a mooring shall be authorized pursuant to this section without the consent of the owner of the mooring, except that the division director, the chief harbor master or the chief harbor master's deputy, or any harbor master or assistant harbor master, may direct, order, or allow any vessel to secure temporarily to any mooring located in state tidal waters to facilitate navigation or the mooring of vessels or when failure to secure such vessel to such mooring would present an imminent and substantial hazard to navigation, to the vessel or any other vessel located in state tidal waters, or to the safety of any passenger on any vessel located in state tidal waters. Notwithstanding any other provision of law, the owner of a mooring that is used temporarily by another person under the authority of this chapter shall remain liable for any loss or damage incurred by a third party as a result of the temporary use of a mooring, except when such loss or damage is caused by the intentional act or omission of the temporary user of the mooring.

VII. Set and collect fees for mooring and state-owned slip permits and waiting lists for such permits, ***including fees for permits for temporary use of moorings***. The authority shall establish fees for state-owned slips in ports, harbors, and state tidal waters. Fees shall not be charged for state-owned slips in ports, harbors, or state tidal waters securing vessels discharging cargo that is subject to the federal Harbor Maintenance Tax imposed pursuant to 26 U.S.C. sections 4461-4462. The fees for state-owned slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.

VIII. Install and continually maintain a uniform system for marking the intercoastal waters of the state including the state ports and state tidal waters not presently marked by the United States Coast Guard, using funds collected from the fees required under RSA 270-E:3, III, and any other funds so appropriated. Said marking system shall be installed on an incremental basis and maintained as necessary.

IX. Have the responsibility for and jurisdiction over state-owned commercial piers and associated facilities, including the establishment of permit programs and wait lists for vessels securing to or berthing at state-owned piers and associated facilities, and the establishment of fees associated with the implementation of such permit programs, including fees for vessels secured to or berthed at state-owned commercial piers in a manner not authorized under rules of the division adopted under this chapter. The authority shall also operate, maintain, and manage the parking facilities at all state-owned commercial piers and associated facilities and shall be authorized to establish permit programs and fees or to otherwise charge for the use of parking at such piers and facilities, including fees or charges for vehicles or trailers parked at state-owned commercial piers or associated facilities in a manner not authorized under rules of the division adopted under this chapter.

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

- (a) Port captains, pilots, and pilotage.
- (b) Harbors and harbor masters.
- (c) The terms, conditions, and procedures under which the division shall issue, suspend, revoke, deny, or approve permits required under this chapter for moorings, ***including the temporary use of moorings***, and state-owned slips.
- (d) State-owned commercial piers and associated facilities, including without limitation the terms, conditions, and procedures under which the division shall issue, suspend, revoke, deny, or approve permits authorized under this chapter relative to the use of state-owned commercial piers and associated facilities and such other rules as the division deems necessary for the proper and safe use, operation, and management of such commercial piers and associated facilities.
- (e) ***An appeal procedure whereby an applicant for any mooring permit or other permit related to use of a state-owned slip or commercial pier may request a waiver or variance from any date or deadline for submitting an application or any application fee established in any rule adopted pursuant to subparagraph (c) or (d) based on good cause, as defined in rules adopted by the authority.***

XI. Adopt rules, after obtaining prior approval by the fiscal committee of the general court and the board, relative to the setting and collecting of fees authorized under RSA 12-G:38, relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, ***including fees for permits for temporary use of moorings***, state-owned slips, and wait lists; RSA 12-G:42, IX, relating to state-owned commercial piers and associated facilities; RSA 12-G:49, relating to pilotage; and any other matter necessary for the proper administration of the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees established pursuant to this paragraph shall be consistent with the following criteria:

(a) Fees relating to the establishment and operation of foreign trade zones shall be designed to recover a reasonable portion of budget expenses consistent with the purposes of RSA 12-G:38. The general court does not intend that such fees cover all of the budget expenses associated with the implementation of RSA 12-G:38.

(b) Fees relating to wharfage, dockage, and other marine terminal operations shall be comparable with the fees for wharfage, dockage, and other marine terminal operations assessed by other port authorities and other marine terminal operators and stevedores in the United States.

(c) Fees relating to the mooring permits, *including fees for permits for temporary use of moorings*, and mooring wait lists shall be designed to recover all of the budget expenses associated with implementation of the mooring permit and wait list system as well as a reasonable portion of the budget expenses consistent with the purposes of RSA 12-G:42, III, VI, and VII; RSA 12-G:43, I(a) and (c); and RSA 12-G:50.

(d) Fees relating to slips shall be designed to be proportional to the fees for moorings established under subparagraph (c).

(e) Fees relating to state-owned commercial piers and associated facilities shall be established giving due consideration to the fees for use of similar privately-owned facilities.

(f) Fees relating to pilotage shall be comparable with the pilotage fees assessed by other port authorities in the United States.

2007-1070s

AMENDED ANALYSIS

This bill directs the Pease development authority to adopt rules relative to the temporary use of moorings and the waiver of mooring application deadlines for good cause.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 196, establishing the position of director of climate change in the office of energy and planning. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

Adopted.

SB 196 is re-referred to the Energy, Environment and Economic Development Committee.

SB 207, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 237, relative to rapid response teams and notification of layoffs and establishing a council on employment issues affecting veterans. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24

March 30, 2007

2007-1065s

09/10

Amendment to SB 237

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

AN ACT establishing a council on employment issues affecting veterans.

Amend the bill by deleting section 1 and renumbering the original sections 2-8 to read as 1-7, respectively.

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The purpose of this act is to establish a commission to study methods of restructuring the unemployment compensation program to meet the needs of New Hampshire's veterans. The commission shall also explore ways to promote full employment for underemployed veterans and seek solutions for other problems associated with veterans obtaining and maintaining employment.

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

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

(a) Two members of the senate, one of whom shall be a member of the commerce, labor and consumer protection committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the state-federal relations and veterans affairs committee and one of whom shall be a member of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of employment security, or designee.

(d) The labor commissioner, or designee.

(e) The commissioner of the department of resources and economic development, or designee.

(f) The commandant of the New Hampshire veterans home, or designee.

(g) One member of the state veterans advisory committee, appointed by the chairman.

(h) One representative of a labor union, appointed by the governor.

(i) One person representing the disability insurance industry, appointed by the governor.

(j) One person appointed by the New Hampshire state veterans council.

(k) One person appointed by the United States Department of Labor's New Hampshire State Veterans Employment and Training Service.

(l) One person appointed by the New Employer Support for the Guard and Reserve.

(m) One person appointed by the New Hampshire Veterans of Foreign Wars.

(n) One person appointed by the New Hampshire American Legion.

(o) One person appointed by the Disabled American Veterans.

(p) One representative of New Hampshire Legal Assistance, appointed by the executive director.

(q) The chairperson of the Workforce Opportunity Council, or designee.

2007-1065s

AMENDED ANALYSIS

This bill establishes a council on employment issues affecting veterans.

Amendment adopted.

Senator Kenney offered a floor amendment.

Sen. Kenney, Dist. 3

April 4, 2007

2007-1191s

09/04

Floor Amendment to SB 237

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

AN ACT establishing a council on employment issues affecting veterans and relative to rapid response teams and notification of layoffs.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 New Subdivision; Layoffs and Rapid Response Teams. Amend RSA 12-A by inserting after section 50 the following new subdivision:

Layoffs and Rapid Response Teams

12-A:51 Layoffs and Rapid Response Teams.

I. Within 48 hours of receiving a "warn" notice regarding a layoff in a particular community, the director of economic development shall appoint a senator and a member of the house of representatives who represent such community and a local official appointed by the governing body of such community to the rapid response team organized to respond to the layoff.

II. Within 48 hours of receipt of a “warn” notice regarding a layoff in a particular community by the department of resources and economic development, the governor shall notify the senator or senators and members of the house of representatives representing the affected area of the layoff and the efforts which the department of resources and economic development will make to assist their constituents.

2007-1191s

AMENDED ANALYSIS

This bill establishes a commission on employment issues affecting veterans.

This bill also requires the director of economic development, within 48 hours of receipt of a “warn” notice regarding layoffs, to appoint a senator and a member of the house of representatives from, and a local official appointed by the chairperson of the governing body of, the community where the layoffs are occurring to the rapid response team. The bill also requires the governor to inform house and senate members from the community where the layoffs will be occurring of the receipt of the “warn” notice and the efforts which the department of resources and economic development will make to assist their constituents.

Senator Estabrook moved the question.

Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Roberge, Clegg, Gatsas, Barnes, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Kelly, Bragdon, Gottesman, Foster, Larsen, DeVries, D’Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 8 - Nays: 16

Floor amendment failed.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Gottesman moved to have SB 131 removed from the table.

Adopted.

SB 131, relative to insurance coverage for services of midwives.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Larsen, Barnes, DeVries, D’Allesandro, Hassan, Fuller Clark.

The following Senators voted No: Burling, Foster, Clegg, Gatsas, Letourneau, Estabrook, Downing.

Yeas: 17 - Nays: 7

Adopted.

Ordered to third reading.

SB 241, relative to availability of cable television in manufactured housing parks. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 3-2. Senator Odell for the committee.

Sen. Fuller Clark, Dist. 24

March 29, 2007

2007-1064s

06/09

Amendment to SB 241

Amend RSA 53-C:6, X as inserted by section 2 of the bill by replacing it with the following:

X. In addition to other remedies allowed by law, a manufactured housing park owner may be assessed by a district court a civil penalty of \$500 and other reasonable damages for discriminating in rental charges or other charges to tenants based on the tenants' subscription to a cable television service or for demanding or accepting payment, except as provided in this section, for the affixing of cable television facilities to a privately owned utility pole within the manufactured housing park.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Foster, having voted with the prevailing side, moved reconsideration of **HB 87**, whereby it was ordered to third reading.

The question is on the motion of reconsideration.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

Senator Gatsas withdrew his motion for a roll call.

Senator Barnes withdrew his second for a roll call.

Adopted.

MOTION TO TABLE

Senator Estabrook moved to have HB 87 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 87, relative to the exceptions to compulsory school attendance.

SCR 3, urging preservation of traditional powers of state and local governments under international trade agreements. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 4-1. Senator Barnes for the committee.

Committee report of inexpedient to legislate failed.

Senator Cilley moved ought to pass.

Adopted.

Ordered to third reading.

SB 142, relative to the regulation of real estate brokers and salespersons by the real estate commission. Executive Departments and Administration Committee. Re-refer to committee, Vote 5-0. Senator Burling for the committee.

Adopted.

SB 142 is re-referred to the Executive Departments and Administration Committee.

SB 202, establishing a lifetime license for certain long-serving emergency medical care providers. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 5-0. Senator Downing for the committee.

Committee report of inexpedient to legislate is adopted.

SUSPENSION OF THE RULES

Senator D'Allesandro moved that we suspend all rules necessary to follow the consideration of **HB 704-FN-A**.

Senator Larsen: The question is shall the Senate suspend all rules necessary to allow the consideration of **HB 704-FN-A**.

Adopted by the necessary 2/3 vote.

HB 704, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

Senator D'Allesandro moved ought to pass.

Senator Barnes moved to divide the question.

The chair ruled that the question is divisible.

The question is on the adoption of sections 1-14 & 16.

Adopted.

The question is on the adoption of section 15.

Adopted.

Ordered to third reading.

Senators Barnes and Roberge are in opposition to section 15 on HB 704.

SB 82-FN, reorganizing the administration and governance of the regional community-technical college system. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Janeway for the committee.

Sen. Gottesman, Dist. 12

March 26, 2007

2007-1001s

04/10

Amendment to SB 82-FN

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

1 Department of Regional Community-Technical Colleges; Chapter Heading Changed. Amend the chapter heading of RSA 188-F to read as follows:

~~[REGIONAL COMMUNITY-TECHNICAL COLLEGES]~~

COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE

2 Community College System of New Hampshire. RSA 188-F:1 through RSA 188-F:21-a are repealed and reenacted to read as follows:

188-F:1 Community College System of New Hampshire Established. The community college system of New Hampshire is hereby established and made a body politic and corporate, the main purpose of which shall be to provide a well-coordinated system of public community college education offering general, professional, and technical associate degree and transfer programs in addition to certificate and short term training programs which serve the needs of the state and the nation. The colleges of the community college system of New Hampshire are authorized to grant and confer in the name of the colleges all such degrees, literary titles, honors, and distinctions as other community colleges may of right do. The community college system of New Hampshire shall include, but is not limited to, colleges in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, and Stratham/Portsmouth.

188-F:2 Governance. The community college system of New Hampshire shall be governed by a single board of trustees which shall be its policy-making and operational authority. The board of trustees shall be responsible for ensuring that the colleges operate as a well coordinated system of public community college education.

188-F:3 Legislative Oversight.

I. The general court finds that because of the importance of public community college education, elected officials should be aware of the activities and needs of the community college system, exercising their responsibility for legislative oversight through (1) the consideration by the appropriate legislative committees of proposed legislation pertaining to the community college system; and (2) the consideration of reports filed by the community college system of New Hampshire pursuant to this chapter.

II. The general court also recognizes the need to protect the institutions of the community college system of New Hampshire from inappropriate external influence which might threaten the academic freedom of faculty members or otherwise inhibit the pursuit of academic excellence. To this end, the general court has delegated broad authority to the board of trustees who shall be responsible for managing the community college system of New Hampshire in a manner which promotes academic excellence and serves the educational needs of the people of New Hampshire.

188-F:4 Board of Trustees; Community College System of New Hampshire. The governance of the community college system of New Hampshire shall be vested in a single board of trustees composed as follows:

I. The governor, the chancellor and the vice-chancellor of the community college system, the president of each college within the community college system, the commissioners of the departments of resources and economic development and education, all of whom shall be non-voting members.

II. The following voting members who shall be appointed by the governor with the advice and consent of the council:

- (a) Four members from the fields of business and industry.
- (b) One member who shall be a high school vocational/technical education director.
- (c) One member who shall be an alumnus of one of the colleges within the community college system.
- (d) One member from the field of education or technology.
- (e) One member from the health care profession.
- (f) Two members from the field of labor.
- (g) One member from the community service sector.
- (h) One member from the law enforcement community.
- (i) Five members from the general public.

(j) Two members who shall be New Hampshire residents and who are full-time students enrolled in one of the colleges within the community college system. The student trustees shall be voted from the colleges within the community college system of New Hampshire locations proceeding in alphabetical order and shall be elected by the student body of the campus responsible for providing the student trustee. The student trustees shall serve a one-year term commencing June 1 of the year for which the student was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the community college system of New Hampshire shall declare a vacancy in that student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of the predecessor's term and an additional one-year term immediately thereafter.

III.(a) The terms of office for appointed and elected members, except for the student members, shall be 4 years unless otherwise specified in this section, and shall end on June 30, except for the student members.

(b) In cases where the terms of office of the members of the board of trustees do not expire in successive years, the governor, with the advice and consent of the council may, in making any appointment or filling any vacancy to such office, appoint any person for a period less than the full term or up to one year greater than the full term in order to adjust the terms of each member so that terms of office of no more than 5 members per year will expire.

IV. At least one voting member shall be from each executive council district.

V. Each member, except the student member, shall hold office until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term only, except as provided in RSA 188-F:4, II(j). The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment.

VI. All board members shall be New Hampshire residents.

VII. Except for the governor and locally elected municipal officials, no person who holds elected public office shall serve on the board.

188-F:5 Operation of Board of Trustees.

I. The board shall elect its own chairperson and vice-chairperson annually.

II. The board shall choose a secretary, who shall keep a record of proceedings, and a treasurer, who shall give a bond satisfactory to the trustees for the faithful discharge of duties as treasurer. The trustees may, in their discretion, require a bond for any other persons employed by or administering the affairs of the community college system. Said trustees shall determine the amount and sufficiency of the surety of said treasurer's bond or any other bonds required under this section.

III. Ten voting members shall constitute a quorum for the transaction of business, but not less than 10 affirmative votes shall be required to elect the chancellor of the community college system.

IV. The board shall meet at such times and places as it may determine, but shall hold regular meetings no less than once every 3 months. The chairperson shall call special meetings upon the written request of any 5 board members or upon the chairperson's own motion.

V. Members shall receive no compensation for their services but shall be reimbursed for expenses reasonably incurred by them in the performance of their duties.

188-F:6 Authority of the Board of Trustees. The trustees shall have the management and control of all the property and affairs of the community college system, all of its colleges, divisions, and departments. In addition to this authority, the trustees are authorized to:

I. Develop and adopt bylaws for the regulation of its affairs and the conduct of business and to adopt an official seal and alter it as necessary or convenient.

II. Oversee the administration of the community college system of New Hampshire and its colleges, divisions, and departments, and to determine the organizational structure and operational policies and procedures for the community college system.

III.(a) Appoint and fix the compensation of a chancellor of the community college system of New Hampshire who shall serve as the chief executive officer of the community college system, as the community college system's primary liaison with the general court and other elements of state government, and as chief spokesperson for the community college system. The chancellor shall be qualified by education and experience and shall serve at the pleasure of the board.

(b) Approve the nomination by the chancellor, and fix the compensation of a vice-chancellor who shall be qualified by education and experience and who shall serve at the pleasure of the chancellor.

(c) Approve the nomination by the chancellor, and fix the compensation of a president of each community college system of New Hampshire college, who shall be the chief academic and administrative officers of his or her institution. The president, who shall report to the chancellor, shall be the chief executive officer of his or her college, and shall have the authority for and be responsible for the general administration and supervision of all operations of that college, and shall have such other duties as the board of trustees may determine. The president shall be qualified by education and experience and shall serve at the pleasure of the board.

(d) Appoint and fix the compensation and duties of such other community college system of New Hampshire administrators as are needed to provide a well-coordinated system of public higher education.

(e) Employ and prescribe the duties of personnel as may be necessary to carry out the purposes for which the community college system of New Hampshire has been created.

IV. Accept legacies and other gifts to or for the benefit of the community college system.

V. Accept any moneys accruing to the community college system and its colleges, or moneys appropriated by or received from the United States government or the state of New Hampshire, including federal financial aid, and any grant moneys from state or federal governmental agencies, public or private corporations, foundations or organizations for the benefit and support of the community college system.

VI. Prepare and adopt a biennial operating budget for presentation to the governor and the general court. Each college within the community college system of New Hampshire and the chancellor's office shall be considered a separate budgetary unit. The community college system of New Hampshire shall submit its budget in the same format and at the same time as other state agencies. All claims to be presented for the issuance of warrants submitted by the colleges and the system office of the community college system of New Hampshire shall be pre-audited by the community college system of New Hampshire, and such certification shall be sufficient evidence for the director of the division of accounting services to fulfill such responsibilities relative to the debt incurred by the community college system of New Hampshire.

VII. Prepare and adopt a biennial capital improvements budget for presentation to the governor and the general court.

VIII. Receive, expend, allocate, and transfer funds within the community college system of New Hampshire as necessary to fulfill the purposes of the community college system. The community college system of New Hampshire shall report the amount and purpose of all transfers from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee. The trustees shall have no authority over funds in the police standards and

training council training fund established in RSA 188-F:30, or any other funds appropriated to the police standards and training council or to the Christa McAuliffe Planetarium, which shall not be commingled with any funds of the community college system of New Hampshire.

IX. Invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the state may legally invest funds.

X. Establish and collect tuition, room and board, and fees, and to set policies related to these and other charges, including fees for the reasonable use of community college system of New Hampshire facilities.

XI. Enter into any contracts, leases, and any other instruments or arrangements that are necessary, incidental, or convenient to the performance of its duties and responsibilities.

XII. Acquire consumable supplies, materials, and services through cash purchases, sole-source purchase orders, bids, or contracts as necessary to fulfill the purposes of this chapter.

XIII. Acquire by purchase, gift, lease, or rent any property, lands, buildings, structures, facilities, or equipment necessary to fulfill the purposes of this chapter.

XIV. Grant or otherwise transfer utility easements.

XV. Authorize and enter any contracts, leases, and any other instruments or arrangements that are necessary, incidental, or related to the construction, maintenance, renovation, reconstruction, or other necessary improvements of community college system of New Hampshire buildings, structures, and facilities.

XVI. Develop and adopt personnel policies and procedures for the community colleges. The board of trustees shall determine the qualifications, duties, and compensation of its employees and shall allocate and transfer personnel within the community college system of New Hampshire as necessary to fulfill the purposes of this chapter.

XVII. Appoint or identify college or program advisory committees to advise the community colleges with respect to strategic directions, general, professional, career, and training policies and programs and their modification to meet the needs of the state's economy and the changing job market.

XVIII. Adopt principles of effective self-governance and to assess board processes, policies, and operations in light of such principles.

XIX. Delegate duties and responsibilities as necessary for the efficient operation of the community college system of New Hampshire and to do other acts or things necessary or convenient to carry out the powers and duties set forth in this chapter.

XX. By and with the consent of the governor and council, borrow on the credit of the community college system of New Hampshire in anticipation of income for the purpose of forwarding its building program, not exceeding \$500,000 in any one fiscal year. All amounts so obtained in any fiscal year shall be repaid from the income of the next succeeding year.

188-F:7 Employment; Benefits; Retirement System Status.

I. Any changes to the conditions of employment, compensation, and benefits of community college system of New Hampshire employees shall be negotiated through the collective bargaining process.

II. The community college system of New Hampshire shall, as of the effective date of this section, be considered an employer for the purposes of RSA 100-A:1, IV. Full-time employees of the community college system of New Hampshire as of the effective date of this section shall be considered employees for the purposes of RSA 100-A:1, V.

III. Service as an employee of the community college system of New Hampshire shall be creditable service for purposes of RSA 100-A, RSA 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college system of New Hampshire employee who transfers, without a break in service, to a state classified or unclassified service position shall retain and transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent employee in the classified or unclassified service of the state based on the years of creditable state service. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.

IV. Membership in the retirement system shall be optional for positions within the community college system of New Hampshire for which participation was optional as of June 30, 2007, and for such other positions within the community college system of New Hampshire as may be designated by the board of trustees.

188-F:8 Use of Financial Services and Department of Administrative Services.

I. The financial data management unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:5.

II. The budget unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:6.

III. The risk management unit shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:7-c.

IV. The division of accounting services shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:8.

V. The division of personnel shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 21-I:42.

VI. The functions of the personnel appeals board pursuant to RSA 21-I:45-47 shall apply to the community college system of New Hampshire.

VII. The treasurer shall provide to the community college system of New Hampshire such services it provides pursuant to RSA 6.

188-F:9 The State Fund.

I. For the purpose of providing a fund to be known as the community college system of New Hampshire fund, the state treasurer shall in each fiscal year credit to such fund all appropriations made to the community college system.

II. All sums so credited are appropriated to community college system of New Hampshire for the support and maintenance thereof, including payments of salaries and wages to employees, current expenses, the construction of additional buildings, the taking of land by eminent domain, the purchase of land, library books, and periodicals, and the making of necessary repairs and replacements, the building of roads and walks, the improvement of the grounds, the construction, extension, and maintenance of water, sewer, and heating systems, and in general for the payment of all such expenses incident to the management of the community college system of New Hampshire as the trustees thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the community college system. Any amount remaining to the credit of the system at the close of any fiscal year shall be carried over and credited to its account for the succeeding year.

188-F:10 Nonlapsing Account. Revenue received in excess of the legislative estimates in the community college system of New Hampshire and any net unexpended general fund appropriation balances at the end of the fiscal year shall be placed in a nonlapsing account. Funds in this account shall be considered reserves.

188-F:11 Reports. The trustees shall file with the governor and council, by November 1 of every odd-numbered year, a report of the operations, progress, and financial condition of the community college system of New Hampshire. One copy thereof shall be submitted to the legislative fiscal committee of the general court, and one copy shall be submitted to the house and senate education committees.

188-F:12 Tax Exemption. The property of the community college system of New Hampshire is exempt from taxation as provided in RSA 72:23.

188-F:13 Names of the Colleges. The names of the respective colleges of the community college system of New Hampshire shall be established, and may be changed, upon approval by the board of trustees and approval by the governor and council.

188-F:14 Accreditation. The community college system of New Hampshire colleges are authorized to seek accreditation and maintain membership in the regional accrediting association to satisfy the requirements necessary to achieve and maintain regional accreditation and to meet the requirements necessary for federal aid. Each individual program of study offered shall meet all of the requirements for professional accreditation or licensing, or both, of the particular specialty as appropriate.

188-F:15 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral

country, or beleaguered, besieged, or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a community college system of New Hampshire institution shall, so long as said person is so reported, listed, interned, beleaguered, besieged, or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the community college system of New Hampshire institution he or she wishes to attend which may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

II. The board of trustees shall have the authority to allow full-time employees who have one year of previous service at the community college system, free tuition, and to the dependents of such employees a 50 percent discount of tuition, at the community college system of New Hampshire colleges.

188-F:16 Tuition Waived for Children of Certain Firefighters and Police Officers.

I. A person who is a New Hampshire resident, who is under 25 years of age, and who enrolls in a community college system of New Hampshire institution shall not be required to pay tuition for attendance at such school if he or she is the child of a firefighter or police officer who died while in performance of his or her duties and whose death was found to be compensable under RSA 281-A.

II. Any person entitled to free tuition under this section shall apply to the community college system of New Hampshire institution he or she wishes to attend, which may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

188-F:17 Federal Funds. The state board of education, acting as the state board for technical education, shall be the primary recipient of federal funds provided under the Carl D. Perkins Vocational Education Act of 1984. The state board shall, each year, provide the community college system of New Hampshire with funds available under the Titles I-IV of the act and subsequent amendments to the act. The board of trustees of the community college system of New Hampshire shall jointly plan with the department of education for the expenditure of funds in the New Hampshire state plan for vocational education. The chancellor of the community college system of New Hampshire and the commissioner of education shall cooperate in the development of applications for such funds.

188-F:18 Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the board of trustees of the community college system. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school at any community college system of New Hampshire institution, and to enhance academic programs in parent education. The fund shall be continually appropriated to the community college system of New Hampshire and shall be nonlapsing.

188-F:19 Liability Limited. Any person who, or any firm or corporation which donates the use of its premises, personnel or equipment to the community college system of New Hampshire to assist it in its training courses shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury arising out of the use by the community college system of New Hampshire of the equipment, facilities, or services to any person if:

I. The person, firm or corporation was acting pursuant to a prior written request or acceptance by the chancellor of the community college system of New Hampshire; and

II. The damage or injury was not caused by willful, wanton or grossly negligent misconduct by the person, firm, or corporation.

188-F:20 Motor Vehicle Regulations. Other provisions of law notwithstanding, the community college system of New Hampshire is hereby directed to adopt the provisions of the state manual of procedure relative to state owned motor vehicles as promulgated by governor and council as may be amended. The annual report of motor vehicle operations shall also be filed in the same manner and in the same detail as that prescribed for all other state agencies. The community college system shall purchase compact cars consistent with the policy established for all state agencies.

188-F:21 Advice and Supervision. The provisions of RSA 7:8 shall apply to the community college system of New Hampshire.

3 Reference Change; Gifts for Historic Sites. Amend the section heading for RSA 4:8-a and RSA 4:8-a, I to read as follows:

4:8-a Gifts for Historic Sites and ~~[Regional Community-Technical Institute and Colleges]~~ ***the Community College System of New Hampshire.***

I. The governor and council may, by executive order, authorize the department of resources and economic development to accept, for the state, gifts of personal property and money which are donated for use in connection with historic sites and the buildings or structures thereon, which are under the management of that department. Each such executive order shall relate to a particular site and may authorize the use of such personal property or the expenditure of such money, in accordance with the terms of the gift, under the supervision of such department. Such executive order, as originally made or later amended, may also authorize the sale or exchange of any such personal property found subsequently to be inappropriate for use, where not inconsistent with the terms of the gift, and application of the proceeds or items received in exchange for the purposes of the original gift. The department shall keep a permanent inventory or record of such gifts and the disposition of such gifts. The governor and council may, by executive order, delegate the same authority with reference to gifts to the division of historical resources, department of cultural resources, and all other provisions of this section shall apply to such gifts. The board of trustees, ~~[department of regional community-technical colleges]~~ **community college system of New Hampshire**, may accept gifts of personal property and money pursuant to RSA ~~[188-F:3-b, VIII]~~ **188-F:6**. The board shall consult with the state curator regarding gifts of potential historic significance. Gifts of historic significance accepted by the board of trustees shall be cataloged by the state curator pursuant to RSA 227-C:4, XVIII, and recognized by the governor and council under this section.

4 Reference Change; Christa McAuliffe Planetarium and Alan B. Shepard Discovery Center; Administrative Attachment. Amend RSA 12-L:6 to read as follows:

12-L:6 Administrative Attachment. The commission **is an executive branch commission, not a body corporate and politic, and** shall be administratively attached to the office of the ~~[commissioner, department of regional community-technical colleges]~~ **chancellor, community college system of New Hampshire, subject to the same provisions prescribed by RSA 21-G:10.**

5 Reference Change; Purchase of Supplies; Exemptions. Amend RSA 21-I:18, I-a to read as follows:

I-a. The **community college system of New Hampshire** ~~[regional community-technical colleges]~~ shall not be required to make purchases through the director of plant and property management or utilize the services of the bureau of graphic services unless it so chooses. The ~~[regional community-technical colleges]~~ **community college system of New Hampshire** shall make purchases under competitive bidding requirements except when waived by the ~~[commissioner of the regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire**, or a designated agent, upon written justification.

6 Reference Change; Militia; Postsecondary Educational Assistance. Amend RSA 110-B:63-b, VI to read as follows:

VI. "Tuition" means the total semester, quarter, or classroom hour cost of instruction to the student as established by the university system board of trustees or the board of ~~[governors of the regional community-technical institute and colleges]~~ **trustees of the community college system of New Hampshire.**

7 Reference Change; Militia; Postsecondary Educational Assistance. Amend RSA 110-B:63-c, II to read as follows:

II. Be enrolled in a degree-enhancing curriculum in any ~~[vocational or technical school]~~ **college** that is under the authority of the ~~[commissioner of regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire**, or enrolled in any degree-enhancing curriculum in any public college or university within the state.

8 Reference Change; Militia; Postsecondary Educational Assistance. Amend RSA 110-B:63-d, II to read as follows:

II. The chancellor of the university system for the university system and the ~~[commissioner of regional community-technical colleges for the regional community-technical institute and colleges]~~ **chancellor of the community college system of New Hampshire for the community college system of New Hampshire** shall establish policies for determining when a course has space available.

9 Reference Change; Militia; Postsecondary Educational Assistance. Amend RSA 110-B:63-g to read as follows:

110-B:63-g Report. The chancellor of the university system on behalf of the university system and the ~~[commissioner of the regional community-technical colleges on behalf of the regional community-technical institute and colleges]~~ **chancellor of the community college system of New Hampshire on behalf of the community college system of New Hampshire** shall, no later than November 1 of each year, submit a

report to the speaker of the house, the senate president, and the governor detailing the number of national guard members enrolled at postsecondary institutions for the prior fiscal year under this subdivision and the specific courses or curriculum in which such members are enrolled.

10 Reference Change; Advisory Council on Child Care. Amend RSA 126-A:17, II(l) to read as follows:

(l) One representative of New Hampshire early childhood education programs, appointed by the ~~commissioner of the New Hampshire regional community-technical college system~~ **chancellor of the community college system of New Hampshire**.

11 Reference Change; Advisory Committee on Heating System Certification. Amend RSA 153:16-c, III(e) to read as follows:

(e) One individual experienced in the training and education of heating system installers, recommended by the ~~commissioner of the regional community-technical colleges~~ **chancellor of the community college system of New Hampshire**.

12 Reference Change; Public Higher Education Study Committee. Amend RSA 187-A:28-a to read as follows:

187-A:28-a Public Higher Education Study Committee. Educational opportunity in New Hampshire must involve all the components of education. The general court acknowledges that education does not start or end at any particular point. There is hereby established a permanent public higher education study committee for the state of New Hampshire. The study committee shall be composed of 8 members and shall examine the goals, purposes, organization, and financing of public higher education in New Hampshire, and shall evaluate and make recommendations on the university of New Hampshire, Plymouth state university, Keene state college, the Granite state college, and the ~~regional community-technical college system~~ **community college system of New Hampshire**.

13 Reference Change; Public Higher Education Study Committee; Duties. Amend RSA 187-A:28-c, II to read as follows:

II. The committee shall act as liaison between the university system, the ~~regional community-technical colleges~~ **community college system of New Hampshire**, the general court, and the public to promote better understanding and communications between public higher education, the general court, and the public.

14 Reference Change; Public Higher Education Study Committee; Report and Recommendation. Amend RSA 187-A:28-d to read as follows:

187-A:28-d Report and Recommendations. The committee shall submit a report to the general court by January 15 of each year. Copies of the report shall be submitted to the governor and council, the senate finance and education committees, the house of representatives finance and education committees, the board of trustees of the university system, the ~~commissioner of the regional community-technical college system~~ **chancellor of the community college system of New Hampshire**, and to any other individual or organization as the committee deems advisable.

15 Reference Change; Allied Health Professions; Administration. Amend RSA 188-B:2 to read as follows:

188-B:2 Administration. The ~~commissioner of regional community-technical colleges~~ **chancellor of the community college system of New Hampshire** is charged with the administration of this chapter and is authorized, within the funds appropriated therefor, to employ teachers, administrative staff and such other employees as may be necessary to carry out the provisions hereof. The ~~commissioner~~ **chancellor** is authorized and directed to locate the facilities for any training program hereunder at the ~~state regional community-technical institute and colleges~~ **community college system of New Hampshire**, and to establish and implement curricula for as many of said professions as soon as possible, and to make application for and receive any and all federal grants or assistance available. The ~~commissioner~~ **chancellor** shall study the feasibility for the expansion and greater implementation of the general purposes of this chapter including the establishment of new facilities for the purposes hereunder and shall make recommendations to the next session of the legislature relative to the matter.

16 Reference Change; Postsecondary Education Commission; Membership. Amend RSA 188-D:2, I to read as follows:

I. The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system; a president of one of the institutions of the ~~department of regional community-technical colleges~~ **community college system of New Hampshire**, to be chosen by the board of trustees of ~~that department~~ **the community college system**;

17 Reference Change; Postsecondary Education Commission; Membership. Amend RSA 188-D:2, III to read as follows:

III. The commissioner of education and the ~~[commissioner of regional community technical colleges]~~ ***chancellor of the community college system of New Hampshire***;

18 Reference Change; Automotive Technology Curriculum and Advisory Council. Amend RSA 188-E:18, III to read as follows:

III. In developing and implementing an automotive technology curriculum, the efforts of the department of education shall complement existing public and private actions, and shall include the pursuit of innovative public-private partnerships with businesses, nongovernmental organizations, the ~~[community technical college system]~~ ***community college system of New Hampshire***, and other appropriate groups. Such partnerships shall at a minimum consist of a 50/50 match of public and private funds, or like kind compensation.

19 Reference Change; Automotive Technology Curriculum and Advisory Council; Membership. Amend RSA 188-E:20, I(d)-(e) to read as follows:

(d) The ~~[commissioner of the regional community technical college system]~~ ***chancellor of the community college system of New Hampshire***, or designee.

(e) One automotive instructor teaching in the ~~[community technical college system]~~ ***community college system of New Hampshire***, appointed by the governor and council.

20 Reference Change; Police Standards and Training Council. Amend RSA 188-F:24, I-II to read as follows:

I. There is established a police standards and training council. It shall consist of 12 members as follows: 2 members shall be chiefs of police in towns; 2 members shall be chiefs of police in cities; 2 members shall be county sheriffs; 2 members shall be judges of courts with criminal jurisdiction; the ~~[commissioner of regional community technical colleges]~~ ***chancellor of the community college system of New Hampshire*** or designee; the director of the division of state police or designee; the attorney general or designee, and the commissioner of the department of corrections or designee.

II. Except for the ~~[commissioner of regional community technical colleges]~~ ***chancellor of the community college system of New Hampshire*** or designee, the attorney general or designee, the director of the division of state police or designee, and the commissioner of the department of corrections or designee, who shall serve during their continuance in office, members of the council shall be appointed by the governor for terms of 2 years. No member shall serve beyond the time that the office or employment which qualified such member for appointment. Any vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment is held. Persons filling vacancies shall be appointed to serve out the unexpired term and shall have the same qualifications for office as the member whose vacancy they are filling.

21 Reference Change; Police Standards and Training Council. Amend RSA 188-F:24, VII to read as follows:

VII. The council shall report annually to the governor and executive council~~[, with a copy to the board of trustees of the department of regional community technical colleges]~~ on its activities, and may make such other reports as it deems desirable.

22 Reference Change; Police Standards and Training Council; Agency Attached. Amend RSA 188-F:25 to read as follows:

188-F:25 Agency Attached. The police standards and training council is ~~[transferred to the department of regional community technical colleges and is administratively attached to that department]~~ ***an executive branch council and is not a body corporate and politic. The police standards and training council shall be administratively attached to the community college system of New Hampshire subject to the same provisions prescribed by RSA 21-G:10. The police standards and training council and the director and employees of the community college system performing the functions required by RSA 188-F:22 through RSA 188F:32-d shall be subject to RSA 7:8, RSA 541-B:1, and RSA 99-D:1, and shall be subject to attorney general review of contracts subject to governor and council review.***

23 Reference Change; Police Standards and Training Council; Powers. Amend RSA 188-F:26, VII to read as follows:

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers, state corrections officers, or state probation-parole officers, and recruits for such positions~~[, with approval of the department's board of trustees]~~.

24 Reference Change; Police Standards and Training Council; Powers. Amend RSA 188-F:26, XIV to read as follows:

XIV. ~~[The department shall employ a director of police standards and training and such other personnel as may be necessary to perform the duties assigned by the department. The director shall be nominated by the council and appointed by the commissioner]~~ **Nominate and appoint a director of police standards and training** for a term of 4 years ~~[and]~~ **who shall report to the police standards and training council, and who shall** be an unclassified employee, **and** whose salary shall be established by RSA 94:1-a. All other employees shall be **hired by the director and shall be** classified employees. The director shall have practical and academic knowledge in the field of law enforcement, including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience.

25 Reference Change; Police Standards and Training Council; Attendance. Amend RSA 188-F:32, to read as follows:

188-F:32 Attendance by Persons Other Than Police Officers. Persons who are not police officers as defined by RSA 188-F:23 may attend courses given by the police standards and training council ~~[by arrangement with the regional community technical colleges department]~~ under such conditions and for such tuition as may be established by the council ~~[and the department]~~. Certain courses may be closed to persons who are not police officers on recommendation of the director and approval by the council ~~[and the board of trustees]~~.

26 Reference Change; Job Training Program for Economic Growth; Administration. Amend RSA 188-F:52 to read as follows:

188-F:52 Administration; Review Committee.

I. The ~~[department of regional community technical colleges]~~ **community college system of New Hampshire** shall administer this program.

II. The ~~[commissioner of regional community technical colleges]~~ **chancellor of the community college system of New Hampshire** shall:

(a) Adopt rules under RSA 541-A, relative to the administration of this subdivision.

(b) Seat a grant review committee consisting of the following:

(1) The ~~[commissioner of the department of regional community technical colleges]~~ **chancellor of the community college system of New Hampshire**, or designee.

(2) The commissioner of the department of employment security, or designee.

(3) The commissioner of the department of resources and economic development, or designee.

(4) One member representing labor, nominated by the commissioner of regional community technical colleges and approved by the board of trustees.

(5) Three members representing business and industry. The governor, senate president, and speaker of the house of representatives shall each appoint one such member. No individual shall concurrently serve as a representative of business and industry while a member of the Workforce Opportunity Council or an employee of any business represented thereon, or while a member or employee of any other entity represented on the grant review committee.

(6) One senator appointed by the senate president.

(7) One representative appointed by the speaker of the house of representatives.

(8) The president of the Workforce Opportunity Council, Inc.

III. [Repealed.]

IV. The function of the committee shall be to make recommendations to the ~~[commissioner of regional community technical colleges]~~ **chancellor of the community college system of New Hampshire** concerning the award of training grants to businesses.

V. [Repealed.]

27 Reference Change; Job Training Program for Economic Growth; Eligibility. Amend RSA 188-F:53, I to read as follows:

I. In this chapter, “grant recipient” means the business entity that receives funds from the ~~[department]~~ **community college system of New Hampshire** and which provides funds to the training provider.

28 Reference Change; Job Training Program for Economic Growth; Eligibility. Amend RSA 188-F:53, VI to read as follows:

VI. Award determinations shall be made in no longer than 20 working days after receipt by the ~~[department]~~ **community college system of New Hampshire**.

29 Reference Change; Job Training Program for Economic Growth; Eligibility. Amend RSA 188-F:53, VII(c) to read as follows:

(c) Such other requirement as may be established under rules adopted by the ~~[commissioner of regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire**.

30 Reference Change; Job Training Program for Economic Growth; Eligibility. Amend RSA 188-F:53, VIII to read as follows:

VIII. Submission of documents to substantiate proof of intent by a business to locate within the state shall be in accordance with rules adopted by the ~~[commissioner of regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire**.

31 Reference Change; Job Training Program for Economic Growth; Eligible Costs. Amend RSA 188-F:54, IV to read as follows:

IV. The ~~[department]~~ **community college system of New Hampshire** shall be authorized to use no more than 10 percent, or \$100,000, of any moneys received from the training fund established at RSA 282-A:138-a, whichever is less, to administer this program.

32 Reference Change; Job Training Program for Economic Growth; Training Facilities. Amend RSA 188-F:55, I-II to read as follows:

I. So long as it is feasible, training shall be provided by **the community college system of New Hampshire** ~~[public, regional community-technical colleges]~~.

II. When **the community college system of New Hampshire** ~~[public, regional community-technical colleges]~~ cannot provide proper training, the training grant recipient will be free to contract with some other training entity approved by the ~~[department]~~ **community college system**.

33 Reference Change; Job Training Program for Economic Growth; Performance. Amend RSA 188-F:56 to read as follows:

188-F:56 Performance; Report.

I. No later than April 1, 2002, the grant review committee shall establish performance criteria. The committee shall submit annually at the end of each fiscal year, to the ~~[commissioner of the department of regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire**, the commissioner of the department of employment security, the governor, the senate president, the speaker of the house of representatives and the fiscal committee of the general court a report indicating the level of performance achieved through the program. Performance indicators shall include, at a minimum, the number of existing jobs retained, the number of existing employees retained, and the number of new jobs created, as a result of this program.

II. The ~~[department]~~ **community college system of New Hampshire** shall evaluate the performance level for each training grant program provided to a business.

III. The grant recipient shall file the information required under paragraphs I and II, as requested by the ~~[commissioner]~~ **chancellor of the community college system of New Hampshire**.

34 Reference Change; Dropout Prevention and Dropout Recovery Oversight Council. Amend RSA 189:60, I(d) to read as follows:

(d) The ~~[commissioner of the community-technical college system]~~ **chancellor of the community college system of New Hampshire**, or designee.

35 Reference Change; College Tuition Savings Plan; Advisory Committee. Amend RSA 195-H:2, I(a)(8) to read as follows:

(8) One member representing the [~~regional community-technical college system~~] ***community college system of New Hampshire***, appointed by the [~~commissioner~~] ***chancellor of the community college system of New Hampshire***.

36 Reference Change; New England Higher Education Compact; Membership. Amend RSA 200-A:3 to read as follows:

200-A:3 Membership of Board. There shall be 8 resident members from New Hampshire on the New England Board of Higher Education as provided in article II of the compact. One of such resident members shall always be the chancellor of the university system. The second resident member shall be the executive director of the postsecondary education commission. The third resident member shall be the [~~commissioner of regional community-technical colleges~~] ***chancellor of the community college system of New Hampshire***. The fourth and fifth resident members shall be citizens of the state appointed by the governor and council. The sixth resident member shall be a member of the house of representatives appointed by the speaker of the house. The seventh member shall be a member of the senate appointed by the president of the senate. The eighth resident member shall be a representative of a private college in New Hampshire appointed by the governor and council. The term of office for each of the first 3 resident members shall be concurrent with his or her term as chancellor[;] ***or*** executive director[~~, or commissioner~~]. The term of office for each of the latter 5 resident members shall be for 4 years and until a successor is appointed and qualified, except that the term of any member of the general court shall terminate if such member shall cease to be a state legislator. In that case, another member shall be appointed in a like manner for the unexpired term. The term of the member representing a private college shall end if the member's association with the private college terminates. Each member of the board shall receive his or her expenses actually and necessarily incurred by the member in the performance of his or her duties as a member. In addition to their expenses, the fourth, fifth, sixth, seventh, and eighth members shall receive \$15 per day compensation for time actually spent in the work as a member of the New England Board of Higher Education, provided that the total for expenses and per diem compensation for any of such 5 members shall not exceed the sum of \$500 during any one fiscal year. All expenses and per diem compensation shall be audited by the commissioner of administrative services as expenses of other employees are audited and shall be a charge against any appropriation provided for this purpose.

37 Reference Change; Unemployment Compensation and Employment Service Administration Fund. Amend RSA 282-A:138-a, I to read as follows:

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of the department of employment security in accordance with rules and guidelines adopted by the commissioner, for funding training under the job training program for economic growth, established under RSA 188-F:49-56. Rulemaking authority relative to administration of the grant award process shall remain with the [~~commissioner of regional community-technical colleges~~] ***chancellor of the community college system of New Hampshire*** pursuant to RSA 188-F:52, II(a).

38 Reference Change; Guardian ad Litem Board; Duties. Amend RSA 490-C:4, II(a) to read as follows:

(a) Commission the participation of Franklin Pierce Law Center, the [~~regional community-technical college system~~] ***community college system of New Hampshire***, or other appropriate in-state educational institutions to provide training for guardians ad litem on a tuition basis and itself provide training on a tuition basis.

39 New Section; Defense and Indemnification; Community College System of New Hampshire. Amend RSA 99-D by inserting after section 2-a the following new section:

99-D:2-b Community College System of New Hampshire. The provisions of RSA 99-D:2 shall apply to the trustees, officials, statutory committees, or employees of the community college system of New Hampshire.

40 Claims Against the State. Amend RSA 541-B:1, I to read as follows:

I. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, including but not limited to the Pease development authority, division of ports and harbors, the New Hampshire housing finance authority, the New Hampshire energy authority, ***the community college system of New Hampshire***, and the Pease development authority, and the general court, including any official or employee of same when acting in the scope of his or her elected or appointed capacity, but excluding political subdivisions of the state.

41 Governmental Use of Property. Amend RSA 674:54, I and II to read as follows:

I. In this section, “governmental use” means a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, ***the community college system of New Hampshire***, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

II. The state, university system, ***community college system of New Hampshire***, county, town, city, school district, or village district shall give written notification to the governing body and planning board, if such exists, of a municipality of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use. Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board. A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.

42 Compensation of Certain State Officers; Salaries. Amend RSA 94:1-a, I(b) by deleting the following:

GG	Department of regional community technical colleges	director of financial management
II	Department of regional community technical colleges	deputy commissioner
II	Department of regional community-technical colleges	president, regional community technical college
KK	Department of regional community technical colleges	commissioner

43 Compensation of Certain State Officers; Salaries. Amend RSA 94:1-a, I(b) as follows:

I. Delete:

FF	Department of regional community technical colleges	planetarium director
GG	Department of regional community technical colleges	director, police standards and training council

II. Insert:

FF	Christa McAuliffe planetarium	planetarium director
GG	Police standards and training council	director

44 Repeal. The following are repealed:

I. RSA 99-D:2-b, relative to defense and indemnification of the community college system of New Hampshire.

II. RSA 188-F:8, relative to use of financial and administrative services by the community college system of New Hampshire.

III. RSA 188-F:21, relative to advice and supervision provided to the community college system of New Hampshire by the attorney general.

IV. RSA 188-F:23, III, relative to the definition of the department of regional community-technical colleges.

45 Effective Date.

I. Paragraphs I-III of section 44 of this act shall take effect July 1, 2009

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

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12
Sen. D'Allesandro, Dist. 20
April 5, 2007
2005-1185s
04/09

Floor Amendment to SB 82-FN

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-45 to read as 14-46, respectively:

13 New Paragraph; Public Higher Education Study Committee; Duties. Amend RSA 187-A:28-c by inserting after paragraph I-a the following new paragraph:

I-b. In addition to the duties set forth in paragraph I, the committee shall monitor the transition of the regional community-technical college system to a self-governing community college system.

Amend the bill by replacing section 46 with the following:

46 Effective Date.

I. Paragraphs I-III of section 45 of this act shall take effect July 1, 2009.

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

MOTION TO TABLE

Senator Barnes moved to have SB 82 laid on the table.

Motion failed.

The question is on the adoption of the floor amendment.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 102-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 126-FN-A, relative to motor vehicle fines. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 146-FN, relative to allowing service credit for certain court system employment. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

SB 172-FN-L, allowing counties to share correctional facilities. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 183-FN, requiring health insurance plans for family coverage to extend to dependent under age 26. Finance Committee. Ought to Pass, Vote 5-2. Senator Sgambati for the committee.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Clegg.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 13 - Nays: 10

Senator Foster Rule #42 on SB 183-FN.

Adopted.

Ordered to third reading.

SB 204-FN-A, relative to collection of debts owed the state. Finance Committee. Ought to Pass, Vote 6-1. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 227-FN, authorizing land and community heritage investment program donations accompanying motor vehicle registrations. Finance Committee. Ought to Pass, Vote 4-3. Senator Gallus for the committee.

MOTION TO TABLE

Senator D'Allesandro moved to have SB 227-FN laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Bragdon.

Seconded by Senator Clegg.

The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Adopted.

LAIID ON THE TABLE

SB 227-FN, authorizing land and community heritage investment program donations accompanying motor vehicle registrations.

SB 233-FN, relative to sales by beverage manufacturers and relative to the definition of specialty beer. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 234-FN, relative to privileges, benefits, and immunities for national guard members. Finance Committee. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

SB 235-FN-A, relative to milk support for dairy farmers. Finance Committee. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Kelley, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Roberge, Bragdon, DeVries, Letourneau, Downing.

Yeas: 19 - Nays: 5

Adopted.

Ordered to third reading.

SB 242-FN, establishing the intellectual property business loan development program. Finance Committee. Ought to Pass, Vote 7-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 156, relative to public health regions and regional public health councils. Health and Human Services Committee. Re-refer to committee, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

SB 156 is re-referred to the Health and Human Services Committee.

SB 182, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Sgambati for the committee.

Health and Human Services

March 28, 2007

2007-1037s

05/04

Amendment to SB 182

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

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 194, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation. Health and Human Services Committee. Ought to pass with amendment, Vote 6-0. Senator Estabrook for the committee.

Health and Human Services

March 28, 2007

2007-1036s

04/01

Amendment to SB 194

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

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

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

- (v) A member of the New Hampshire Sheriff's Association, appointed by such association.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 66, relative to involuntary civil commitment of sexually violent predators. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary

March 29, 2007

2007-1061s

04/05

Amendment to SB 66

Amend RSA 135-E:22 as inserted by section 9 of the bill by replacing it with the following:

135-E:22 Rules. The department of health and human services, in consultation with the department, shall adopt rules, pursuant to RSA 541-A, relative to:

I. The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this chapter.

II. The components of the basic treatment plan for all committed persons under this chapter.

III. Procedures to be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this chapter.

IV. Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this chapter.

V. The protocol for informing a person that he or she is being evaluated to determine whether he or she is a sexually violent predator under this chapter. Such protocol shall include procedures for informing the person of the right to refuse to participate in a personal interview with the multidisciplinary team or members thereof, the right to consult with counsel prior to participating in such an interview, and the right to have counsel appointed if the person is indigent.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 13:

10 New Paragraph; Involuntary Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3 by inserting after paragraph V the following new paragraph:

VI. Records, reports, and proceedings of the multidisciplinary team shall be confidential and shall be exempt from the provisions of RSA 91-A, except as provided in RSA 135-E:15, III-IV.

11 Involuntary Commitment of Sexually Violent Predators; Section Heading Amended. Amend the section heading in RSA 135-E:15 to read as follows:

Release of Records [to Agencies]

12 New Paragraph; Involuntary Commitment of Sexually Violent Predators; Release of Records. Amend RSA 135-E:15 by inserting after paragraph II the following new paragraph:

III. A report of the multidisciplinary team shall be available to the public only after the court has determined that probable cause exists pursuant to RSA 135-E:7.

MOTION TO TABLE

Senator Clegg moved to have SB 66 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 66, relative to involuntary civil commitment of sexually violent predators.

SB 151, relative to drug nuisance abatement. Judiciary Committee. Inexpedient to Legislate, Vote 4-1. Senator Reynolds for the committee.

MOTION TO TABLE

Senator Reynolds moved to have SB 151 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 151, relative to drug nuisance abatement.

SB 201, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody. Judiciary Committee. Ought to pass with amendment, Vote 3-2. Senator Foster for the committee.

Sen. Foster, Dist. 13

March 16, 2007

2007-0747s

04/09

Amendment to SB 201

Amend RSA 187-A:11-a as inserted by section 1 of the bill by replacing it with the following:

187-A:11-a Keene State College Campus Safety Officers; Authority to Detain.

I. Keene state college campus safety officers who have completed a program of police training for part-time police officers, meeting standards established by the police standards and training council pursuant to RSA 188-F:26 and appropriate to a campus safety officer's exercise of limited police powers, shall have the powers of detention granted in paragraphs II and III.

II. Keene state college campus safety officers who meet the requirements of paragraph I shall have the power to detain any person when the officer has established probable cause to believe that the person has committed any of the following offenses:

(a) Any felony.

(b) Any misdemeanor involving actual or threatened physical injury to another person.

(c) Any misdemeanor constituting concealment, destruction, or removal of evidence or property damage.

(d) Any act constituting abuse, within the meaning of RSA 173-B:1, of a family or household member or current or former sexual or intimate partner.

(e) Any driving or operating under the influence of drugs or liquor offense.

III. Keene state college campus safety officers who meet the requirements of paragraph I shall also have the power to detain any person in any of the following circumstances:

(a) When a person is violent or presents a danger to himself or herself or others, including the officers.

(b) Upon the lawful order of a law enforcement officer.

IV. When detention is made pursuant to paragraphs II and III, the officer shall detain the person on the premises of Keene state college only so long as necessary to surrender the person to a peace officer.

2007-0747s

AMENDED ANALYSIS

This bill authorizes properly trained Keene state college campus safety officers to detain any person whom they have probable cause to believe has committed an offense.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 203, relative to the use of the English language in writs and other court documents. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

MOTION TO TABLE

Senator Gottesman moved to have SB 203 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 203, relative to the use of the English language in writs and other court documents.

SB 228, relative to the supervision of persons released on bail. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

SB 230, relative to annulment of records of arrests or prosecutions not resulting in a conviction. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Gottesman for the committee.

Committee report of inexpedient to legislate is adopted.

SB 253, relative to appeals in child abuse and neglect cases. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Letourneau for the committee.

Committee report of inexpedient to legislate is adopted.

SB 261, naming the state law library the John W. King law library. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

SB 264, relative to filing liens on personal and real property to recover uncollected small claims judgments. Judiciary Committee. Re-refer to committee, Vote 5-0. Senator Reynolds for the committee.

Adopted.

SB 264 is re-referred to the Judiciary Committee.

SB 247, establishing a committee to study the adjudication of land use issues and ordinance violations. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator DeVries for the committee.

Public and Municipal Affairs

March 27, 2007

2007-1016s

06/09

Amendment to SB 247

Amend paragraph I(a) as inserted by section 2 of the bill by replacing it with the following:

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 256, relative to hazardous buildings. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator DeVries for the committee.

Committee report of inexpedient to legislate is adopted.

HB 33, relative to the compensation of members of the county convention. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 44, relative to the authority of authorized persons to take custody of nuisance dogs. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Senator Roberge moved to recommit.

Adopted.

HB 44 is recommitted to the Public and Municipal Affairs Committee.

RESOLUTION

Senator Foster moved that the Senate 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 a 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 71**, relative to setback requirements for new landfills located near designated rivers.
- SB 82-FN**, reorganizing the administration and governance of the regional community-technical college system.
- SB 102-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease.
- SB 117-FN**, relative to fireworks display permits and the position of permissible fireworks inspector.
- SB 123**, relative to pole attachments.
- SB 126-FN-A**, relative to motor vehicle fines.
- SB 131**, relative to insurance coverage for services of midwives.
- SB 143**, naming Jericho Mountain state park and establishing ATV and trail bike trails in such park.
- SB 146-FN**, relative to allowing service credit for certain court system employment.
- SB 154**, relative to the worker's compensation compliance statement.
- SB 157**, establishing a committee to study the criteria necessary for the creation of a master plan for the development of future all-terrain vehicle parks.
- SB 162**, establishing a commission to oversee and negotiate issues relative to the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO).
- SB 166-FN**, relative to port moorings.
- SB 172-FN-L**, allowing counties to share correctional facilities.
- SB 173**, relative to regulation of private postsecondary career schools.
- SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings.
- SB 183-FN**, requiring health insurance plans for family coverage to extend to dependent under age 26.
- SB 189**, relative to medical benefits under motor vehicle insurance.
- SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation.
- SB 201**, authorizing certain Keene state college campus safety officers to detain individuals pending arrest or protective custody.
- SB 204-FN-A**, relative to collection of debts owed the state.
- SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire.
- SB 233-FN**, relative to sales by beverage manufacturers and relative to the definition of specialty beer.
- SB 234-FN**, relative to privileges, benefits, and immunities for national guard members.
- SB 235-FN-A**, relative to milk support for dairy farmers.
- SB 237**, establishing a council on employment issues affecting veterans.
- SB 241**, relative to availability of cable television in manufactured housing parks.
- SB 242-FN**, establishing the intellectual property business loan development program.
- SB 244**, relative to employers withholding from employees' wages for certain purposes.
- SB 247**, establishing a committee to study the adjudication of land use issues and ordinance violations.
- SB 254**, relative to legal representation during contract negotiations.
- SB 258**, relative to reliance on ethics committee advisory opinions.
- SB 261**, naming the state law library the John W. King law library.

SCR 3, urging preservation of traditional powers of state and local governments under international trade agreements.

HB 33, relative to the compensation of members of the county convention.

HB 53, relative to school health personnel.

HB 87, relative to the exceptions to compulsory school attendance.

HB 126, relative to the definition of "school."

HB 167, relative to areas of assessment required under the statewide improvement and assessment program.

HB 704, relative to the commission on the status of men and relative to appropriations to the STARC armory and making appropriations for state matching funds for federal emergency management agency disaster assistance grants and energy expense shortfalls.

HCR 4, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60th anniversary of the United States Air Force.

ANNOUNCEMENTS

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committees, scheduling hearings, and sending and receiving messages.

Adopted.

In recess to the Call of the Chair.

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April 5, 2007

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 437-FN-L, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples.

HB 514-FN-L, relative to the applicable minimum wage for hourly employees.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 437 to 514**, 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 437-FN-L, permitting same gender couples to enter civil unions and have the same rights, responsibilities, and obligations as married couples. (Judiciary)

HB 514-FN-L, relative to the applicable minimum wage for hourly employees. (Commerce, Labor and Consumer Protection)