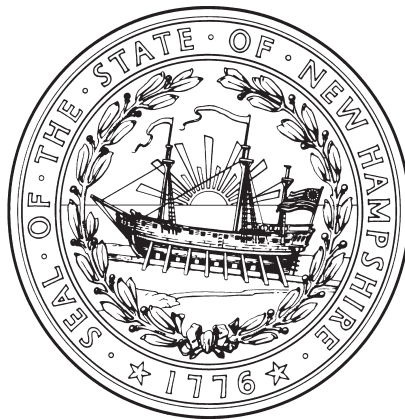


April 12, 2007
Nos. 11 - 12

STATE OF NEW HAMPSHIRE

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



Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 5, 2007 SESSION
COMMENCEMENT – APRIL 12, 2007 SESSION

SENATE JOURNAL 11 (Cont.)

April 5, 2007

JOURNAL #9 CORRECTION FROM MARCH 22, 2007

SB 178-FN, relative to the judicial retirement plan. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0691s

10/05

Amendment to SB 178-FN

Amend RSA 100-C:13, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of ~~[9.5 percent]~~ **the assumed rate of return plus ½ of one percent added to such rate** shall be allocated to the special account. **The assumed rate of return shall be approved by the board of trustees.** None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. ~~[The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.]~~ **The use of the special account shall be limited to only supplemental allowances or cost of living adjustments pursuant to RSA 100-C:17 and shall not exceed 20 percent of the amount of the plan assets for any calendar year. Any surplus in the special account shall be transferred to the plan's regular accounts on an annual basis. In the event of a year over year decline in plan assets, the board may transfer funds from the special account to the plan's regular accounts.**

Amend the bill by replacing sections 3 and 4 with the following:

3 Supplemental Allowances. Amend RSA 100-C:17, I, to read as follows:

I. On February 1 of each year, the fiscal committee of the general court may approve COLAs upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. **The board shall have the authority to provide a COLA in such percentages or amounts as the board deems advisable including the ability to segment or tier amounts based upon years without a COLA. One-time or nonrecurring COLAs may also be approved by the board from time to time.** The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. **Except for one-time or nonrecurring COLAs,** any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

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

SPECIAL ORDER

Senator Cilley moved that **SB 178-FN**, relative to the judicial retirement plan, be made a special order for March 29, 2007.

Adopted.

Senator Burling Rule #42 on SB 178-FN.

JOURNAL #10 CORRECTION FROM MARCH 29, 2007**SPECIAL ORDER**

SB 178-FN, relative to the judicial retirement plan. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0691s

10/05

Amendment to SB 178-FN

Amend RSA 100-C:13, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the first state fiscal year ending after the date of implementation of the judicial retirement plan, all of the earnings of the judicial retirement plan which are in excess of ~~[9.5 percent]~~ ***the assumed rate of return plus ½ of one percent added to such rate*** shall be allocated to the special account. ***The assumed rate of return shall be approved by the board of trustees.*** None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. ~~[The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.]~~ ***The use of the special account shall be limited to only supplemental allowances or cost of living adjustments pursuant to RSA 100-C:17 and shall not exceed 20 percent of the amount of the plan assets for any calendar year. Any surplus in the special account shall be transferred to the plan's regular accounts on an annual basis. In the event of a year over year decline in plan assets, the board may transfer funds from the special account to the plan's regular accounts.***

Amend the bill by replacing sections 3 and 4 with the following:

3 Supplemental Allowances. Amend RSA 100-C:17, I, to read as follows:

I. On February 1 of each year, the fiscal committee of the general court may approve COLAs upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. ***The board shall have the authority to provide a COLA in such percentages or amounts as the board deems advisable including the ability to segment or tier amounts based upon years without a COLA. One-time or nonrecurring COLAs may also be approved by the board from time to time.*** The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. ***Except for one-time or nonrecurring COLAs,*** any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

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

MOTION TO TABLE

Senator Kelly moved to have SB 178-FN laid on the table.

Adopted.

Senator Burling Rule #42 on SB 178-FN.

LAID ON THE TABLE

SB 178-FN, relative to the judicial retirement plan.

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 71, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.

HB 273-FN, relative to special needs trusts.

HB 338, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers.

HB 344, relative to conduct of recounts.

HB 380, relative to the forms of government under town charters.

HB 406, relative to access to state child support enforcement records.

HB 410, establishing a commission on child support issues.

HB 429, relative to nominations by multiple parties.

HB 608-FN, relative to the number of ballots furnished by the secretary of state for a state general election.

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements.

HB 701, relative to the definition of a school district in the case of unincorporated towns or unorganized places.

HB 703, relative to day reporting programs in the county department of corrections.

HB 707, relative to the time frames for hearings in domestic violence cases.

HB 719, relative to the statute of limitations for fire code violations.

HB 735, relative to the form of the presidential primary election ballot.

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position.

HB 767, relative to insurance for volunteer drivers.

HB 873-FN-LOCAL, establishing minimum renewable standards for energy portfolios.

HB 926-FN, relative to the regulation of pharmacies and pharmacists.

HB 928, relative to the Christa McAuliffe planetarium commission.

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital.

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 71 to HCR 8**, 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 71, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office. (Public and Municipal Affairs)

HB 273-FN, relative to special needs trusts. (Health and Human Services)

HB 338, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers. (Executive Departments and Administration)

HB 344, relative to conduct of recounts. (Election Law and Internal Affairs)

HB 380, relative to the forms of government under town charters. (Public and Municipal Affairs)

HB 406, relative to access to state child support enforcement records. (Judiciary)

HB 410, establishing a commission on child support issues. (Judiciary)

HB 429, relative to nominations by multiple parties. (Election Law and Internal Affairs)

HB 608-FN, relative to the number of ballots furnished by the secretary of state for a state general election. (Election Law and Internal Affairs)

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. (Transportation and Interstate Cooperation)

HB 701, relative to the definition of a school district in the case of unincorporated towns or unorganized places. (Education)

HB 703, relative to day reporting programs in the county department of corrections. (Judiciary)

HB 707, relative to the time frames for hearings in domestic violence cases. (Judiciary)

HB 719, relative to the statute of limitations for fire code violations. (Judiciary)

HB 735, relative to the form of the presidential primary election ballot. (Election Law and Internal Affairs)

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. (Executive Departments and Administration)

HB 767, relative to insurance for volunteer drivers. (Commerce, Labor and Consumer Protection)

HB 873-FN-LOCAL, establishing minimum renewable standards for energy portfolios. (Energy, Environment and Economic Development)

HB 926-FN, relative to the regulation of pharmacies and pharmacists. (Health and Human Services)

HB 928, relative to the Christa McAuliffe planetarium commission. (Executive Departments and Administration)

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. (Election Law and Internal Affairs)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 12

April 12, 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.

Help us, O God, to sail with a kind of humility that allows us to steer clear of the icebergs, and with a wisdom to know how to build the ship properly in the first place, starting with the lifeboats. Amen

Senator Foster led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

Senator Larsen moved without objection that we take up CACR 18 out of the Judiciary Committee and at the beginning of the calendar.

CACR 18, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Foster for the committee.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11
April 12, 2007
2007-1255s
06/03

Floor Amendment to CACR 18

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a [Funding of Public Education.] In fulfillment of the duty to cherish public schools set forth in the preceding Article, the general court shall reasonably define an adequate education, regularly determine the total statewide cost thereof, fund, with state monies, not less than fifty percent of the total statewide cost of an adequate education each year, and maintain standards of accountability. The general court shall have the authority to distribute the funds in the manner that it reasonably determines best promotes an equal opportunity for an adequate education for every child in the public schools, provided that the general court shall distribute some state aid to every school district.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 83 a new article to read as follows:

[Art.] 83-a [Funding of Public Education.] In fulfillment of the duty to cherish public schools set forth in the preceding Article, the general court shall reasonably define an adequate education, regularly determine the total statewide cost thereof, fund, with state monies, not less than fifty percent of the total statewide cost of an adequate education each year, and maintain standards of accountability. The general court shall have the authority to distribute the funds in the manner that it reasonably determines best promotes an equal opportunity for an adequate education for every child in the public schools, provided that the general court shall distribute some state aid to every school district.”

Senator Barnes moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Odell, Bragdon.

The following Senators voted No: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Roberge, Kelly, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D’Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

Yeas: 2 - Nays: 22

Floor amendment failed.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the motion of ought to pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 15 - Nays: 9

Adopted by the necessary 3/5 vote.

Ordered to third reading.

SB 92, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-0. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection

April 3, 2007

2007-1150s

01/09

Amendment to SB 92

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

1 Procuring Employment; Imposition of Conditions; Definition of Employee Changed. RSA 275:4, II is repealed and reenacted to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the person from purchasing site or project supplies from the employer or person offering work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

2 Payment of Wages; Definition of Employee Changed. RSA 275:42, II is repealed and reenacted to read as follows:

II. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the person from purchasing site or project supplies from the employer or person offering work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

3 Whistleblowers' Protection Act; Definition of Employee Changed. RSA 275-E:1, I is repealed and reenacted to read as follows:

I. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the person from purchasing site or project supplies from the employer or person offering work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

4 Minimum Wage Law; Definition of Employee Changed. RSA 279:1, X is repealed and reenacted to read as follows:

X. "Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself.

(f) The person has continuing or recurring business liabilities or obligations.

(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the person from purchasing site or project supplies from the employer or person offering work.

(j) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(l) The person is not required to work exclusively for the employer.

5 Workers' Compensation; Definition of Employee Changed. RSA 281-A:2, VI(b)(1) is repealed and reenacted to read as follows:

(b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

(A) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(B) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer, and the employer does not direct or supervise the means or manner of performance.

(C) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(D) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(E) The person holds himself or herself out to be in business for himself or herself.

(F) The person has continuing or recurring business liabilities or obligations.

(G) The success or failure of the person's business depends on the relationship of business receipts to expenditures.

(H) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.

(I) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the person from purchasing site or project supplies from the employer or person offering work.

(J) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

(K) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.

(L) The person is not required to work exclusively for the employer.

6 Definition. Amend RSA 281-A:2, VII(b) to read as follows:

(b) "Employee," with respect to public employment shall not include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, any volunteer not covered under RSA 281-A:2, VII(a)(2) through (5), who performs services for which no significant remuneration is provided, or any participant performing community service work under a court order or the provisions of a court diversion program, **or any person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities**. "Employee," with respect to public employment, shall include any person participating in a local welfare work program established under RSA 165:31; however, the local governing body may vote to make the provisions of this chapter not applicable to local welfare work program participants through guidelines adopted under RSA 165:1, II.

7 Workers' Compensation; Definition of Employee; Reference Changed. RSA 281-A:2, VI(c) is repealed and reenacted to read as follows:

(c) Prima facie evidence that the criteria prescribed in subparagraphs (b)(1)(A)-~~(E)~~(L) have been met may be established by a written agreement signed by the employer and the person providing services,

on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met. If the commissioner finds that the employer's use of such written agreement was intended to misrepresent the relationship between the employer and the person providing services, the commissioner may assess a civil penalty of up to \$2,500; in addition, such employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. The fines shall be assessed from the first day of the infraction but not to exceed one year. The chief executive officer, chief financial officer, and members of limited liability companies shall be held personally liable for payments of fines. All funds collected under this subparagraph shall be deposited into a nonlapsing workers' compensation fraud fund dedicated to the investigation and compliance activities required by this section and related sections pertaining to labor and insurance law. The commissioner of labor shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

8 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph 252 the following new subparagraph:

(253) Moneys deposited in the workers' compensation fraud fund established by RSA 281-A:2, VI(c).

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

Amendment adopted.

Senator Hassan offered Floor Amendment.

Sen. Hassan, Dist. 23

April 12, 2007

2007-1247s

04/01

Floor Amendment to SB 92

Amend RSA 275:4, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

Amend RSA 275:42, II(i) as inserted by section 2 of the bill by replacing it with the following:

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

Amend RSA 275-E:1, I(i) as inserted by section 3 of the bill by replacing it with the following:

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

Amend RSA 279:1, X(i) as inserted by section 4 of the bill by replacing it with the following:

(i) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

Amend RSA 281-A:2, VI(b)(1)(I) as inserted by section 5 of the bill by replacing it with the following:

(I) The person incurs in the first instance the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Gottesman moved to have SB 188 removed from the table.

Adopted.

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

The question is on the adoption of the committee amendment (1022).

Senator Gottesman moved to Special Order without objection SB 188 to the end of the Calendar.

Senator Larsen moved without objection that we move SB 188 out of the Executive Departments and Administration Committee and to the end of the calendar.

SB 45, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans. Election Law and Internal Affairs. Ought to pass with amendment, Vote 3-1. Senator Burling for the committee.

Election Law and Internal Affairs

April 4, 2007

2007-1165s

03/05

Amendment to SB 45

Amend RSA 665:1, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be [a] ***an elections and*** ballot law commission consisting of [5] **7** members. Two members shall be appointed by the speaker of the house of representatives, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. Two members shall be appointed by the president of the senate, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. [~~One member~~] ***Two members*** shall be appointed by the governor with the advice and consent of the council, ***one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election*** and shall be [~~a person~~] ***persons*** particularly qualified by experience in election procedure. ***One member shall be appointed by the New Hampshire supreme court and shall be an attorney in good standing and licensed to practice in the state of New Hampshire.*** No person shall be appointed to the commission who holds an elected office or who is an election official, ***nor shall any person be appointed to the commission within a year of serving in elected office or as an election official.*** The terms of all commissioners shall be for 4 years, except that the first appointments shall be as follows: the members appointed by the speaker of the house of representatives shall be appointed for terms of 2 years, the members appointed by the president of the senate shall be appointed for terms of 3 years, and the [~~member~~] ***members*** appointed by the governor shall be appointed for a term of 4 years. A member may be reappointed upon the expiration of his or her term. The members shall elect annually a chairperson from among the members. Members shall be appointed and terms of office shall expire on July 1. Vacancies shall be filled in the same manner for the unexpired term. The secretary of state shall be recording officer and clerk of the commission, but shall have no vote in its decisions.

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Redistricting. Amend RSA 665 by inserting after section 17 the following new subdivision:

Redistricting

665:18 Redistricting Plan.

I. The elections and ballot law commission shall, following a public hearing, develop a plan for the apportionment of representative, senatorial, and executive council districts based on the most recent decennial census. The plan shall conform to the requirements of part II, articles 9, 11, 11-a, 26, and 26-a of the New Hampshire constitution. The commission shall forward the plan to the speaker of the house of representatives and the president of the senate, and shall include proposals for legislation necessary to effectuate the plan.

II. Upon delivery of the plan pursuant to paragraph I, the elections and ballot law commission shall make available to the public:

(a) Copies of the plan.

(b) Maps illustrating the plan.

(c) A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

III. The elections and ballot law commission is authorized to hire consultants and to purchase software and other equipment necessary to assist the commission in developing the redistricting plan. If there are not sufficient funds appropriated to the elections and ballot law commission to pay for the consultants or equipment, the governor, upon request of the secretary of state, is authorized to draw a warrant for such sums from any money in the treasury not otherwise appropriated.

665:19 Redistricting Standards.

I. Districts shall be established on the basis of population. Each representative, senatorial, and executive council district shall have a population as nearly equal as practicable to the ideal district population. Ideal district population shall be determined by dividing the number of districts to be established into the population of the state reported in the latest federal decennial census.

II. No district shall be drawn for the purpose of favoring a political party, incumbent legislator, or other person or group. No district shall be drawn for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

(a) Addresses of incumbent legislators.

(b) Political affiliations of registered voters.

(c) Previous election results.

(d) Demographic information, other than population head counts, except as required by the Constitution and laws of the United States.

III. In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this subdivision shall provide that each representative district is wholly included within a single senatorial district and that, so far as possible, each representative and each senatorial district shall be included within a single congressional district. However, the standards established by paragraphs I and II shall take precedence where a conflict arises between those standards and the requirement, so far as possible, of including a representative or senatorial district within a single congressional district.

IV. Each bill embodying a plan drawn under this subdivision shall provide that any vacancy in the general court which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election, shall be filled from the same district which elected the representative or senator whose seat is vacant.

665:20 Timetable for Preparation of Plan.

I. The elections and ballot law commission shall forward the redistricting plan to the speaker of the house of representatives and the president of the senate before March 15 of each year ending in one. The house and senate standing committees with jurisdiction over election law matters shall each hold public hearings on the redistricting plan before the general court votes on the plan. It is the intent of this subdivision that the general court shall vote on the plan in either the house of representatives or the senate expeditiously, but not less than 30 days after the plan is received and made available to the members of the general court, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this subdivision that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule.

II. If the plan fails to be approved by a constitutional majority in either the house of representatives or the senate, the clerk of the house of representatives or the senate, as the case may be, shall at once transmit to the elections and ballot law commission reasons why the plan was not approved. The commission shall then prepare a second plan in accordance with RSA 665:19, and taking into account the reasons cited by the house of representatives or senate for its failure to approve the plan insofar as it is possible to do so within the requirements of RSA 665:19. The second plan shall be delivered to the speaker of the house of representatives and the president of the senate not later than May 1 of the year ending in one, or 21 days after the date of the vote by which the house of representatives or the senate fails to approve the plan submitted under

paragraph I, whichever date is later. It is the intent of this subdivision that, if a second plan is necessary, it shall be brought to a vote not less than 15 days after the plan is made available to the members of the general court, in the same manner as prescribed for the plan under paragraph I, except that the plan shall be subject to amendment in the same manner as other bills.

III. If the second plan submitted by the elections and ballot law commission fails to be approved by a constitutional majority in either the house of representatives or the senate, the same procedure as prescribed by paragraph II shall be followed. If a third plan is required, it shall be delivered to the speaker of the house of representatives and the president of the senate not later than June 1 of the year ending in one, or 21 days after the date of the vote by which the house of representatives or the senate fails to approve the second plan submitted under paragraph II, whichever date is later. It is the intent of this subdivision that, if it is necessary to submit a plan under this paragraph, the plan be brought to a vote within the same time period after its delivery to the speaker of the house of representatives and the president of the senate as is prescribed for the plan submitted under paragraph II, and shall be subject to amendment in the same manner as other bills.

IV. If the census data necessary for the redistricting plan is unavailable by February 15 of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the census data becomes available.

Amendment adopted.

Senator Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

Sen. Gatsas, Dist. 16

Sen. Gallus, Dist. 1

Sen. Kenney, Dist. 3

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Clegg, Dist. 14

Sen. Barnes, Dist. 17

Sen. Downing, Dist. 22

April 12, 2007

2007-1254s

03/05

Floor Amendment to SB 45

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

AN ACT changing the name of the ballot law commission to the elections and ballot law commission and increasing the membership of the commission.

Amend the bill by deleting section 3 and renumbering sections 4-5 to read as 3-4, respectively.

2007-1254s

AMENDED ANALYSIS

This bill changes the name of the ballot law commission to the elections and ballot law commission and increases the membership of the commission.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

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

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

Yeas: 10 – Nays: 14

Floor amendment failed.

Senator Gallus offered a floor amendment.

Sen. Gallus, Dist. 1
 Sen. Gatsas, Dist. 16
 Sen. Kenney, Dist. 3
 Sen. Odell, Dist. 8
 Sen. Roberge, Dist. 9
 Sen. Bragdon, Dist. 11
 Sen. Clegg, Dist. 14
 Sen. Barnes, Dist. 17
 Sen. Letourneau, Dist. 19
 Sen. Downing, Dist. 22
 April 12, 2007
 2007-1253s
 03/05

Floor Amendment to SB 45

Amend RSA 665:1, I-II as inserted by section 1 of the bill by replacing it with the following:

I. There shall be [a] ***an elections and*** ballot law commission consisting of [5] **7** members. Two members shall be appointed by the speaker of the house of representatives, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. Two members shall be appointed by the president of the senate, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. [~~One member~~] ***Two members*** shall be appointed by the governor with the advice and consent of the council, ***one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election*** and shall be [~~a person~~] ***persons*** particularly qualified by experience in election procedure. ***One member shall be appointed by the New Hampshire supreme court and shall be an attorney in good standing and licensed to practice in the state of New Hampshire.*** No person shall be appointed to the commission ***who is registered as a lobbyist or*** who holds an elected office or who is an election official, ***nor shall any person be appointed to the commission within a year of serving in elected office or as an election official.*** The terms of all commissioners shall be for 4 years, except that the first appointments shall be as follows: the members appointed by the speaker of the house of representatives shall be appointed for terms of 2 years, the members appointed by the president of the senate shall be appointed for terms of 3 years, and the [~~member~~] ***members*** appointed by the governor shall be appointed for a term of 4 years. A member may be reappointed upon the expiration of his or her term. The members shall elect annually a chairperson from among the members. Members shall be appointed and terms of office shall expire on July 1. Vacancies shall be filled in the same manner for the unexpired term. The secretary of state shall be recording officer and clerk of the commission, but shall have no vote in its decisions.

II. There shall be [5] **7** alternate members for the ***elections and*** ballot law commission. Two alternate members shall be appointed by the speaker of the house of representatives, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. Two alternate members shall be appointed by the president of the senate, one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. [~~One~~] ***Two*** alternate [~~member~~] ***members*** shall be appointed by the governor with the advice and consent of the council, ***one from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election*** and shall be [~~a person~~] ***persons*** particularly qualified by experience in election procedure. ***One member shall be appointed by the New Hampshire supreme court and shall be an attorney in good standing and licensed to practice in the state of New Hampshire.*** The alternate members appointed by the speaker of the house of representatives and the president of the senate shall not be members of the general court. ***No person shall be appointed as an alternate who is registered as a lobbyist.*** The terms of all alternate members shall be for 4 years, except that the first appointments shall be as follows: the alternate members appointed by the speaker of the house of representatives shall be appointed for terms of 2 years, the alternate members appointed by the president of the senate shall be appointed for terms of 3 years, and the alternate [~~member~~] ***members*** appointed by the governor shall be appointed for a term of 4 years. The term of each new alternate member shall begin on July 1.

Floor amendment adopted.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Gatsas.

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.

Ordered to third reading.

SB 98, relative to determining qualifications of voters. Election Law and Internal Affairs. Ought to pass with amendment, Vote 3-1. Senator Burling for the committee.

Sen. Burling, Dist. 5

April 2, 2007

2007-1123s

03/04

Amendment to SB 98

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

AN ACT relative to party access to voter information.

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

1 New Section; Party Access to Voter Information. Amend RSA 654 by inserting after section 45 the following new section:

654:46 Party Access to Voter Information. Notwithstanding any other provision of law, the secretary of state shall, upon request, provide to a recognized political party a list of the name, street address, mailing address, town or city, gender, year of birth, voter history, and party affiliation, if any, of every registered voter in the state. In this section, "voter history" means the elections at which the voter voted. The secretary of state may charge a fee of up to \$25 plus \$0.50 per thousand names or portion thereof in excess of 2,500 plus shipping charges for each copy of the list provided under this section. The secretary of state may provide lists as prescribed in this section on paper, computer disk, computer tape, electronic transfer, or any other form. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d.

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

2007-1123s

AMENDED ANALYSIS

This bill requires the secretary of state to provide certain information about registered voters to recognized political parties.

Amendment adopted.

A roll call was requested by Senator Clegg.

Seconded by Senator Letourneau.

Senator Clegg withdrew his motion for a roll call.

Senator Letourneau withdrew his second for a roll call.

Adopted.

Ordered to third reading.

SB 248, relative to ethical standards for volunteers in the executive branch. Election Law and Internal Affairs. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Election Law and Internal Affairs

April 4, 2007

2007-1175s

10/01

Amendment to SB 248

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

1 Executive Branch Code of Ethics; Restrictions on Simultaneous Employment and Public Service. Amend RSA 21-G:25 to read as follows:

21-G:25 Restrictions on Simultaneous Employment and Public Service. ~~Volunteer~~ **Public** service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:

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

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

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

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

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

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

(d) Volunteer public service ~~[related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance]~~ **as provided in RSA 21-G:25-a;**

(e) Ownership of publicly-traded stock; or

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

2 New Section; Appointee and Volunteer Public Service. Amend RSA 21-G by inserting after section 25 the following new section:

21-G:25-a Ethical Standards for Appointee and Volunteer Public Service. Appointee and volunteer public service within the executive branch is an honorable tradition that should be encouraged and maintained. Volunteers shall not use public service for an agency, directly or indirectly:

I. For personal financial gain.

II. To facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of themselves, their employers or business associates, or any other third party.

III. To influence executive branch officials in the performance of their duties.

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

2007-1175s

AMENDED ANALYSIS

This bill provides for ethical standards for appointee and volunteer public service under the executive branch code of ethics.

Amendment failed.

The question is on the motion of ought to pass.

Motion failed.

Senator Burling moved to re-refer.

Adopted.

SB 248 is re-referred to the Election Law and Internal Affairs.

SB 140, relative to the Public Service Company of New Hampshire. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-2. Senator Fuller Clark for the committee.

Sen. Fuller Clark, Dist. 24

April 3, 2007

2007-1146s

06/09

Amendment to SB 140

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

AN ACT relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

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

1 New Section; Transmission Infrastructure; Action by Public Utilities Commission.

I. Upgrades to the transmission infrastructure of the state, particularly in the north country, are critical to future economic development in the state and therefore in the public interest. In order to encourage the development of renewable energy in the state, existing transmission infrastructure will have to be upgraded or replaced or new transmission facilities will have to be built. It is in the public interest and to the benefit of New Hampshire to encourage the development of renewable energy, particularly in the northern part of the state.

II. Consistent with the authority and obligations under RSA 374-F:8 and the provisions of this act, the public utilities commission shall take all steps necessary to encourage and support the upgrade of transmission in the northern part of the state. These steps shall include, but not be limited to, opening and completing a docket on an expedited basis if the commission deems it appropriate and helpful to accomplishing its obligations under this act and RSA 374-F:8, working with the New England Independent System Operator, participating with or before the Federal Energy Regulatory Commission (FERC), and working with interested electric generating companies with a bona fide interest in such transmission, transmission companies, and north country officials. The commission shall review existing transmission in the northern part of the state and the willingness of existing public utilities that provide transmission to upgrade the transmission infrastructure to meet anticipated generation interconnection and transmission requirements. The commission shall support the use of performance based, incentive regulation, as provided in RSA 374-F:3, III, as necessary in proceedings before FERC, to require existing transmission companies, or if necessary to solicit new transmission entities, to upgrade the existing transmission infrastructure or build new transmission infrastructure in the north country. The commission shall take these steps on an expedited basis to ensure that New Hampshire takes advantage of opportunities to bring renewable energy development to the state in the near future.

2 New Paragraph; Site Evaluation Committee; Rulemaking Authority for Efficient Review of Renewable Energy Projects. Amend RSA 162-H:10 by inserting after paragraph VI the following new paragraph:

VII. The site evaluation committee shall adopt rules as soon as reasonably practicable, but no later than October 1, 2007, that provide an efficient process for the review of renewable energy facilities at the state level that recognizes the benefits of renewable energy while still protecting important state, regional, and local interests. For the purposes of this paragraph "renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a capacity of greater than 30 megawatts but less than 120 megawatts and powered by geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, or biomass energy. Renewable energy facility shall also include electric generating station equipment and associated facilities of 30 megawatts or less that otherwise meet the definition of renewable energy facilities described in this paragraph which the applicant or petitioner in 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1. Under these rules the committee shall delegate to a subcommittee of the site evaluation committee all responsibilities under this chapter as they apply to the consideration and approval or rejection of an application for a renewable energy facility. The committee shall delegate such responsibility to a subcommittee by majority vote of the committee and in no event shall the subcommittee be fewer than 7 members of the committee. A majority vote of the subcommittee shall be sufficient to carry out any of the responsibilities required under this chapter. These rules shall also require the committee to issue or deny a certificate for a renewable energy facility within 120 days of the acceptance of an application.

3 New Paragraphs; State Energy Policy Commission; Study of Demand Response Programs and Distributed Generation. Amend RSA 2006, 257:3 by inserting after paragraph V the following new paragraphs:

VI. Whether the state should allow electric distribution companies to invest in small scale distributed generation resources as part of a strategy for balancing load and distribution, reducing transmission line losses, and minimizing transmission and distribution costs.

VII. Demand management and response mechanisms and programs.

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

2007-1146s

AMENDED ANALYSIS

This bill requires the site evaluation committee to adopt rules for review of renewable energy facilities.

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

Sen. Letourneau, Dist. 19

Sen. Odell, Dist. 8

Sen. Cilley, Dist. 6

Sen. Clegg, Dist. 14

April 12, 2007

2007-1249s

01/09

Floor Amendment to SB 140

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

AN ACT relative to construction of renewable generation assets, the process for siting renewable energy generation facilities, and transmission upgrades.

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

1 Energy Efficiency, Renewable Energy, and Conservation and Load Management Incentive. Amend RSA 125-O:5, III to read as follows:

III. For expenditures made by PSNH independent of SBC funds for energy efficiency, new renewable energy projects, or conservation and load management, the department shall provide emissions allowances to PSNH equivalent to the amount of such allowances that could have been purchased at market prices by the same dollar amount as the expenditure made. Such expenditures shall be consistent with the core energy efficiency programs approved by the Public Utilities Commission or other programs acceptable to the department and shall, to the greatest extent practicable, result in immediate, demonstrable energy improvements. ***However, no such emissions allowances shall be provided for expenditures made pursuant to an authority granted by RSA 374-F:3, V(g). Notwithstanding any provision of law to the contrary, no generation asset which burns municipal waste or construction and demolition debris shall be considered a renewable energy generation project.***

2 Divestiture of PSNH Generation Assets; PSNH Pilot Project. Amend RSA 369-B-a:3-a to read as follows:

369-B:3-a Divestiture of PSNH Generation Assets. ~~[The sale of PSNH fossil and hydro generation assets shall not take place before April 30, 2006.]~~ Notwithstanding RSA 374:30, ~~[subsequent to April 30, 2006,]~~ PSNH may divest its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture. Prior to any divestiture of its generation assets, PSNH may modify or retire such generation assets if the commission finds that it is in the public interest of retail customers of PSNH to do so, and provides for the cost recovery of such modification or retirement. ***PSNH may construct or purchase a wood-fired renewable energy asset as provided in RSA 374-F:3, V(g), provided that such asset is located in either Coos or Grafton county.***

3 New Subparagraph; Authorization to Invest in Renewable Energy Generation. Amend RSA 374-F:3, V by inserting after subparagraph (f) the following new subparagraph:

(g)(1) A New Hampshire electric public utility may construct or purchase a renewable generation asset to meet reasonably projected default service needs, if the commission finds that it is in the public interest to do so, and provides for the cost recovery of such generation. In considering the public interest, the commission shall consider both the direct and indirect interests including:

(A) The projected effect on future electric rates for any such proposed generation asset.

(B) The diversity of fuel sources available to service customers.

(C) The effect on the environment.

(D) The creation and retention of jobs in New Hampshire, including the economic development benefits to the region where such proposed generation asset is intended to be sited and, for biomass fueled plants, the effect on the state's forestry industry.

(E) The long-term economic effects.

(F) The reliability of electric service.

(G) Matters relating to the necessary comprehensive transmission improvements.

(2) The provisions of this subparagraph shall not apply to a rural electric cooperative for which a certificate of deregulation is on file with the commission.

4 New Section; Annual Report. Amend RSA 374-F by inserting after section 3 the following new section:

374-F:3-a Annual Report. The commission shall provide an annual report to the general court assessing the needs for electric energy within the state and the availability of generating resources to meet those needs. The report shall utilize available information from any proposal for utility-owned generation and shall specifically discuss the availability of renewable resources to meet demand and the effect of utility-owned generation constructed after the effective date of this section on the cost of electricity and the development of additional renewable generation resources. Reporting by the commission shall commence 12 months after the effective date of this section.

5 Transmission Infrastructure; Action by Public Utilities Commission.

I. Upgrades to the transmission infrastructure of the state, particularly in the north country, are critical to future economic development in the state and therefore in the public interest. In order to encourage the development of renewable energy in the state, existing transmission infrastructure will have to be upgraded or replaced or new transmission facilities will have to be built. It is in the public interest and to the benefit of New Hampshire to encourage the development of renewable energy, particularly in the northern part of the state.

II. Consistent with the authority and obligations under RSA 374-F:8 and the provisions of this act, the public utilities commission shall take all steps necessary to encourage and support the upgrade of transmission in the northern part of the state. These steps shall include, but not be limited to, opening and completing a docket on an expedited basis if the commission deems it appropriate and helpful to accomplishing its obligations under this act and RSA 374-F:8, working with the New England Independent System Operator, and participating with or before the Federal Energy Regulatory Commission (FERC).

6 New Paragraph; Site Evaluation Committee; Rulemaking Authority for Efficient Review of Renewable Energy Projects. Amend RSA 162-H:10 by inserting after paragraph VI the following new paragraph:

VII. The site evaluation committee shall adopt rules as soon as reasonably practicable, but no later than October 1, 2007, that provide an efficient process for the review of renewable energy facilities at the state level and that recognize the benefits of renewable energy while still protecting important state, regional, and local interests. For the purposes of this paragraph "renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a capacity of greater than 30 megawatts but less than 120 megawatts and powered by geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, or biomass energy. Renewable energy facility shall also include electric generating station equipment and associated facilities of 30 megawatts or less that otherwise meet the definition of renewable energy facilities described in this paragraph which the applicant or petitioner in 2 or more petition categories as defined in RSA 162-H:2, XI request and the committee agrees, or which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1. Under these rules the committee shall delegate to a subcommittee of the site evaluation committee all responsibilities under this chapter as they apply to the consideration and approval or rejection of an application for a renewable energy facility. The committee shall delegate such responsibility to a subcommittee by majority vote of the committee and in no event shall the subcommittee be fewer than 7 members of the committee. A majority vote of the subcommittee shall be sufficient to carry out any of the responsibilities required under this chapter. These rules shall also require the committee to issue or deny a certificate for a renewable energy facility within 120 days of the acceptance of an application.

7 New Paragraphs; State Energy Policy Commission; Study of Demand Response Programs and Distributed Generation. Amend 2006, 257:3 by inserting after paragraph V the following new paragraphs:

VI. Whether the state should allow electric distribution companies to invest in small scale distributed generation resources as part of a strategy for balancing load and distribution, reducing transmission line losses, and minimizing transmission and distribution costs.

VII. Demand management and response mechanisms and programs.

8 Effective Date.

I. Sections 1, 2, and 3 of this act shall take effect February 1, 2008.

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

2007-1249s

AMENDED ANALYSIS

This bill:

I. Establishes guidelines for determining whether construction or purchase of a renewable generation asset is in the public interest.

II. Requires the public utilities commission to provide the general court with an annual report of energy needs within the state.

III. Requires the site evaluation committee to adopt rules for review of renewable energy generation facilities.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Letourneau.

Seconded by Senator Bragdon.

The following Senators voted Yes: Gallus, Burling, Cilley, Odell, Bragdon, Clegg, Letourneau, Downing.

The following Senators voted No: Reynolds, Kenney, Sgambati, Janeway, Roberge, Kelly, Gottesman, Foster, Larsen, Gatsas, Barnes, 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.

SB 177, relative to orders of reparation by the public utilities commission. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 3-1. Senator Fuller Clark for the committee.

Sen. Reynolds, Dist. 2

February 16, 2007

2007-0237s

06/09

Amendment to SB 177

Amend the bill by replacing section 1 with the following:

1 Reparations. RSA 365:29 is repealed and reenacted to read as follows:

365:29 Orders for Reparation. The commission may on its own motion, or whenever a complaint has been made to the commission covering any rate, fare, charge, or price demanded and collected by any public utility, or the quality of service provided by any public utility, after a finding following a hearing and investigation that an illegal or unjustly discriminatory rate, fare, charge, or price has been collected for any service, or inadequate quality

of service has been delivered, order the public utility which has collected the illegal or unjustly discriminatory rate, fare, charge, or price, or provided the inadequate quality of service, to make due reparation to the person who has paid such illegal or unjustly discriminatory rate, fare, charge, or price or received such inadequate service, with interest from the date of the person's payment of the illegal or unjustly discriminatory rate, fare, charge, or price or the person's payment for the inadequate service. Such order for reparation shall cover only payments made within 2 years before the date of filing the complaint for reparation or, when the commission acts on its own motion, within 2 years before the date of the commission's finding that an illegal or unjustly discriminatory rate, fare, charge, or price has been collected or that inadequate quality of service has been delivered.

2007-0237s

AMENDED ANALYSIS

This bill allows the public utilities commission, on its own motion, to consider the quality of use or adequacy of service in awarding reparations.

Amendment failed.

The question is on the motion of ought to pass.

Motion failed.

Senator Fuller Clark moved to re-refer.

Adopted.

SB 177 is re-referred to the Energy, Environment and Economic Development Committee.

Senator Foster Rule #42 on SB 177.

SB 246, relative to a temporary moratorium on the issuance of large groundwater withdrawal permits and on large groundwater withdrawals from bedrock aquifers if withdrawal has not commenced. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 3-0. Senator Odell for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Barnes is in opposition to the motion of inexpedient to legislate on SB 246.

SB 259, establishing state appliance and equipment energy efficiency standards. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 4-0. Senator Fuller Clark for the committee.

Adopted.

SB 259 is re-referred to the Energy, Environment and Economic Development Committee.

SB 81, relative to membership of the state building code review board. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Senate Executive Departments and Administration

April 4, 2007

2007-1176s

05/10

Amendment to SB 81

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

AN ACT relative to the state building code.

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

1 Definition of Building in the State Building Code. Amend RSA 155-A:1, I to read as follows:

I. "Building" means building as defined and interpreted by the International Code Council's International Building Code [2000] **2006**.

2 Definition of State Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2000] **2006**, the International Plumbing Code [2000] **2006**, the International Mechanical Code [2000] **2006**, the International Energy Conservation Code [2000] **2006**, and the International Residential Code [2000] **2006**, as published by the International Code Council, and the National Electric Code [2002] **2005**. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

3 Definition of Structure in the State Building Code. Amend RSA 155-A:1, VI to read as follows:

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code [2000] **2006**.

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

2007-1176s

AMENDED ANALYSIS

The bill updates the definition of the state building code.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 116, establishing a committee to study the licensing and regulation of fuel gas fitters by the state fire marshal. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-2. Senator Burling for the committee.

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

A roll call was requested by Senator Gallus.

Seconded by Senator Barnes.

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

Committee report of inexpedient to legislate is adopted.

SB 251, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Fuller Clark for the committee.

Sen. D'Allesandro, Dist. 20

March 28, 2007

2007-1043s

10/05

Amendment to SB 251

Amend the bill by replacing section 1 with the following:

1 Findings and Intent. The general court finds that the department of corrections has experienced significant and increasing difficulty in recruiting, hiring, and retaining qualified physicians to provide medical and psychiatric services in its correctional facilities, including the secure psychiatric unit. The general court further finds that in light of the Superior Court Order in Holliday, et al. v. Curry (May 19, 2006) and the additional responsibilities assigned to the department of corrections and the department of health and human services related to the involuntary civil commitment of sexually violent predators, immediate action must be taken to address the need for qualified physicians to provide medical and psychiatric services at facilities operated by the department of corrections or that may be operated by the department of health and human services. The general court finds it is appropriate to establish a limited medical license to allow board eligible physicians who do not meet all qualifications for state licensure to practice in state correctional institutions.

Amend RSA 329:14, VIII as inserted by section 3 of the bill by replacing it with the following:

VIII.(a) The board may issue correctional institution licenses to persons of good professional character who are supervised by a fully licensed physician and who meet the following requirements in accordance with rules adopted under RSA 329:9, VIII:

- (1) The person is a graduate of a medical school accredited and approved by the board;
- (2) The person is board eligible; and
- (3) The person has resided in the United States for at least one year.

(b) Persons holding a correctional institution license shall be subject to the disciplinary provisions of RSA 329:17 and such additional professional character and competency requirements as the board may establish.

(c) Correctional institution medical practice by licensees under this paragraph shall be limited to practice in correctional institutions operated by the state and may be issued on a restricted or conditional basis. Practice by a correctional institution licensee shall not exceed an initial 2-year period and one 2-year renewal.

(d) Persons holding correctional institution licenses shall not practice outside correctional institutions operated by the state or receive remuneration in addition to that provided by the state.

(e) "Correctional institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates may lawfully be confined.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Kelly moved to have SB 178 removed from the table.

Adopted.

SB 178, relative to the judicial retirement plan.

The question is on the adoption of the committee amendment (0691).

Amendment failed.

Senator Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

April 11, 2007

2007-1238s

10/04

Floor Amendment to SB 178-FN

Amend RSA 100-C:13, III(g) as inserted by section 2 of the bill by replacing it with the following:

(g) There shall be a special account for additional benefits held by the board of trustees. Beginning with the ~~[first state fiscal]~~ **calendar** year ending ~~[after the date of implementation of the judicial retirement plan]~~ **December 31, 2007**, all of the earnings of the judicial retirement plan **on a rolling, 3-year basis** which are in excess of 9.5 percent shall be allocated to the special account. None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b) and (c). ~~[The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph. The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-C:17, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the judicial retirement plan.]~~ **The use of the special account shall be limited to only supplemental allowances or cost of living adjustments pursuant to RSA 100-C:17. The special account shall not exceed 20 percent of the amount of the plan assets for any calendar year. Any surplus in the special account shall be transferred to the plan's regular accounts on an annual basis. In the event of a year over year decline in plan assets, the board may transfer funds from the special account to the plan's regular accounts on an annual basis.**

Amend the bill by replacing sections 3 and 4 with the following:

3 Supplemental Allowances. Amend RSA 100-C:17, I, to read as follows:

I. ~~[On February 1 of]~~ Each year, the fiscal committee of the general court may approve COLAs upon certification from the board of the amount of the COLA which may be granted based on the funds available in the special account. **The board shall have the authority to provide a COLA in such percentages or amounts as the board deems advisable including the ability to segment or tier amounts based upon years without a COLA. One-time or nonrecurring COLAs may also be approved by the board and the fiscal committee of the general court from time to time.** The board shall direct an actuary to certify to the fiscal committee the funds available, and any other information required by the committee, including but

not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. ***Except for one-time or nonrecurring COLAs***, any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance.

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Burling Rule #42 on SB 178.

SB 67-FN-A, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Gallus for the committee.

Senate Finance

April 4, 2007

2007-1173s

05/10

Amendment to SB 67-FN-A

Amend the bill by replacing section 1 with the following:

1 Implementation of YDC Master Plan Recommendations. The department of health and human services may implement the recommendations of the youth development center (YDC) master plan, submitted April 1, 2006, and the memorandum of agreement with the United States Department of Justice relative to the receipt of federal funding for the construction of the new youth services center. Pursuant to RSA 10:4, the master plan recommendations and the memorandum of agreement with the Department of Justice, the department may initiate the procedure to subdivide property on the YDC campus, to preserve certain buildings for possible future use, to demolish buildings that have no significant historical value or value to the operation of the current facility, and to expeditiously sell the 2 properties located at 1164 North River Road and 1188 North River Road, provided that the sale price for such properties shall be not less than their fair market value.

Amend the bill by inserting after section 1 the following and renumbering the original section 2-3 to read as 3-4:

2 Notwithstanding RSA 4:40, I, the sale of the 2 properties in section 1 of this act shall be reviewed and approved by the long range capital planning and utilization committee prior to submission to the governor and council for approval of the sale.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 68-FN-A, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Hassan for the committee.

Senate Finance

April 4, 2007

2007-1171s

08/01

Amendment to SB 68-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2008 and the sum of \$1 for the fiscal year ending June 30, 2009 are hereby appropriated to the department of environmental services, for the purposes of implementing the New Hampshire estuaries project's comprehensive conservation and manage-

ment plan by undertaking activities, making grants, and entering into contracts to accomplish actions identified in the New Hampshire estuaries project's approved implementation plan. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 101, relative to payment of costs for certain students attending alternative education programs. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

Senators Barnes and Gatsas are in opposition to the motion of ought to pass on SB 101.

SB 134-FN-A, establishing a research and development credit against business taxes. Finance Committee. Ought to Pass, 7-0. Senator Odell for the committee.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

Sen. Foster, Dist. 13

April 10, 2007

2007-1216s

09/10

Floor Amendment to SB 134-FN-A

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

1 New Paragraph; Business Profits Tax; Research and Development Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XII the following new paragraph:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed \$1,000,000 for any fiscal year.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 2 tax years. The amount of the credit shall be the lesser of:

(A) Fifteen percent of the actual expenditures made for research and development conducted within the state;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) Five percent of the tax due under this chapter before any credits under RSA 77-A:5 are taken into account; or

(D) \$50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) The credit allowed under this paragraph shall be limited so that no more than 50 percent of such credit shall be attributable to wages paid to an employee who is not an "eligible employee" as defined in RSA 77-A:1; XXIII.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as research and development expenditures under section 174 of the United States Internal Revenue Code; and

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(2) "Employee" shall mean "an employee" as defined in section 3401(c) of the United States Internal Revenue Code and who is an "eligible employee" as defined in RSA 77-A:1, XXIII.

2 New Section; Business Enterprise Tax; Credit for Research and Development. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b Credit for Research and Development. The unused portion of any research and development credit awarded by the commissioner under RSA 77-A:5, XIII shall be available to apply to the business enterprise tax, provided this credit does not exceed 5 percent of the business enterprise tax due.

3 Applicability. This act shall apply to taxes due on account of taxable periods ending on or after September 7, 2007.

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Barnes is in opposition to the motion of ought to pass on SB 134-FN-A.

SB 138-FN-A, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 176-FN, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. Finance Committee. Ought to Pass, Vote 6-1. Senator Hassan for the committee.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

Sen. Gatsas, Dist. 16

Sen. Gallus, Dist. 1

Sen. Kenney, Dist. 3

Sen. Odell, Dist. 8

Sen. Roberge, Dist. 9

Sen. Bragdon, Dist. 11

Sen. Clegg, Dist. 14

Sen. Letourneau, Dist. 19

Sen. Downing, Dist. 22

April 12, 2007

2007-1250s

01/09

Floor Amendment to SB 176-FN

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 17:

16 New Section; Testing for Lead Toxicity. Amend RSA 132 by inserting after section 13 the following new section:

132:13-a Testing for Lead Toxicity. All health care providers conducting annual medical assessments of children 4 years of age or younger shall include in such assessment testing for lead toxicity in accordance with the blood lead levels under RSA 130-A.

2007-1250s**AMENDED ANALYSIS**

This bill:

- I. Lowers the blood lead level that determines when a child is lead poisoned.
- II. Allows the commissioner of the department of health and human services to inspect other units of a multi-unit dwelling when a child has been found to be lead poisoned in one of the units.
- III. Extends the period of time that interim controls be used as an alternative to lead hazard abatement under certain circumstances.
- IV. Establishes a commission to study the current childhood lead poisoning prevention law, policies, and standards.
- V. Requires all health care providers conducting annual medical assessments of children 4 years of age or younger to include testing for lead toxicity.

Senator Burling moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Gatsas.

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

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

Yeas: 11 - Nays: 13

Floor amendment failed.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Fuller Clark.

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

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

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

SB 191-FN-A, relative to the nongame species account in the fish and game fund. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Janeway for the committee.

Senate Finance

April 4, 2007

2007-1169s

10/01

Amendment to SB 191-FN-A

Amend the bill by replacing section 1 with the following:

1 Nongame Species Account; Certificates of Participation; Federal Grants Received. Amend RSA 212-B:6, II to read as follows:

II. ~~[The fish and game department shall issue a certificate of participation to any individual who donates not less than \$10 to the nongame species account established in paragraph I.]~~ The state treasurer shall deposit annually from the general fund into the special nongame species account an amount equal to the moneys donated **or federal grants obtained for the nongame species management act** during any fiscal year under this paragraph up to and including a total of ~~[\$50,000]~~ **\$50,001** annually. The governor is authorized to draw ~~[his]~~ **a** warrant for such amount out of any money in the treasury not otherwise appropriated. This is a continuing appropriation.

2007-1169s**AMENDED ANALYSIS**

This bill allows for a state match to federal grants which may be deposited into the nongame species account in the fish and game fund. The bill also removes a provision requiring certificates of participation for donors to the account.

Amendment adopted.**The question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.****Senator Letourneau is in opposition to SB 191.**

SB 213-FN-A, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. Finance Committee. Ought to pass with amendment, Vote 5-1. Senator Odell for the committee.

Senate Finance**April 4, 2007****2007-1172s****05/04****Amendment to SB 213-FN-A**

Amend RSA 126-A:63, II as inserted by section 1 of the bill by replacing it with the following:

II. The sum of up to \$4,041,000 is appropriated to the comprehensive cancer plan fund from the strategic contribution fund payments as agreed to in the master settlement agreement, and upon the warrant of the governor from payments for such fund. No sums shall be deposited into the comprehensive cancer plan fund if such strategic contribution fund payments are not received. The appropriation shall be for each of the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011 and expended annually for the following purposes:

(a) Up to \$2,722,000 towards the state tobacco use prevention program which shall be expended by the department for tobacco use prevention and cessation programs as provided in RSA 126K:15.

(b) Up to \$100,000 towards diet and exercise programs.

(c) Up to \$240,000 towards early detection and screening programs for breast and cervical cancer.

(d) Up to \$710,000 towards early detection and screening programs for colorectal cancer.

(e) Up to \$50,000 to survivorship and cancer support for those affected by prostate cancer.

(f) Up to \$89,000 to identify and promote treatment and support services for survivors.

(g) Up to \$130,000 to minority oversampling data for information on behavioral risk and cancer rates.

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

SB 217-FN-A, establishing the New Hampshire housing and conservation planning program and making an appropriation therefor. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Hassan for the committee.

Senate Finance**April 4, 2007****2007-1177s****05/09****Amendment to SB 217-FN-A**

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

AN ACT establishing the New Hampshire housing and conservation planning program.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2007-1177s**AMENDED ANALYSIS**

This bill establishes a housing and conservation planning program in the office of energy and planning.

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

SB 224-FN-A, relative to the telecommunications planning and development advisory committee. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

Adopted.**Ordered to third reading.**

SB 226-FN, relative to the temporary assistance to needy families (TANF) program. Finance Committee. Ought to Pass, Vote 6-1. Senator Sgambati for the committee.

Senator Gottesman moved the question.**Without objection Senator Larsen moved to close debate.****The question is on the committee report of ought to pass.****A roll call was requested by Senator Gatsas.****Seconded by Senator Bragdon.**

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.****Ordered to third reading.**

SB 265-FN, relative to the state apprenticeship council and the regulation of apprenticeship programs. Finance Committee. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

Adopted.**Ordered to third reading.**

SB 61, relative to pharmaceutical marketers. Health and Human Services Committee. Inexpedient to Legislate, Vote 4-0. Senator Fuller Clark for the committee.

The question is on the adoption of the committee report of inexpedient to legislate.**A roll call was requested by Senator Letourneau.****Seconded by Senator Barnes.**

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Burling, Janeway, Odell, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, DeVries, D'Allesandro, Estabrook, Hassan.

The following Senators voted No: Kenney, Cilley, Roberge, Gatsas, Barnes, Letourneau, Downing.

Yeas: 16 - Nays: 7**Committee report of inexpedient to legislate is adopted.****Senator Martha Fuller Clark Rule #42 on Senate Bill 61.**

SB 152, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Health and Human Services
April 4, 2007
2007-1163s
09/04

Amendment to SB 152

Amend RSA 169-B:31-a as inserted by section 5 of the bill by replacing it with the following:

169-B:31-a Permanency Hearings.

I. For a minor who enters an out-of-home placement prior to an adjudicatory finding and who is in an out-of-home placement for 12 or more months, the court shall hold and complete an initial permanency hearing within 14 months of the minor's entry into out-of-home placement or within 12 months of the court's adjudicatory finding, whichever is earlier. For a minor who enters an out-of-home placement subsequent to an adjudicatory finding and who is in an out-of-home placement for 12 or more months, the court shall hold and complete an initial permanency hearing within 12 months of the minor's entry into out-of-home placement. For a minor who is in out-of-home placement following the initial permanency hearing, the court shall hold and complete a subsequent permanency hearing within 12 months of the initial permanency hearing and every 12 months thereafter as long as the minor is in an out-of-home placement.

II. At a permanency hearing the court shall consider whether the parent or parents and the minor have met the responsibilities pursuant to the dispositional orders issued by the court. If compliance with the dispositional orders pursuant to RSA 169-B:19 is not met, the court shall adopt a permanency plan other than reunification for the minor. Other options for a permanency plan include:

- (a) Termination of parental rights or parental surrender when an adoption is contemplated;
- (b) Guardianship with a fit and willing relative or another appropriate party; or
- (c) Another planned permanent living arrangement.

III. At a permanency hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Amend RSA 169-C:15, III(d) as inserted by section 11 of the bill by replacing it with the following:

(d) Set a date for an adjudicatory hearing to be held **and completed** within 30 **calendar** days of the filing of the petition. ***Upon a written finding of extraordinary circumstances, the court may continue the adjudicatory hearing to a date certain for the hearing to be held and completed and written findings issued that shall in no event exceed 60 calendar days from the filing of the petition.***

Amend RSA 169-C:24 as inserted by section 15 of the bill by replacing it with the following:

169-C:24 Periodic Review Hearings.

I. The court shall conduct an initial review hearing within 3 months of the dispositional hearing to review the status of all dispositional orders issued under this chapter. The court may conduct additional review hearings upon its own motion or upon the request of any party at any time.

II. At a review hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Amend RSA 169-C:24-b, III as inserted by section 16 of the bill by replacing it with the following:

III. At a permanency hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Amend RSA 169-C:24-c as inserted by section 16 of the bill by replacing it with the following:

169-C:24-c Post-Permanency Hearings.

I. For a child who is in an out-of-home placement following the permanency hearing, the court shall hold and complete a post-permanency hearing within 12 months of the permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home placement. The court may conduct periodic post-permanency hearings upon its motion or upon the request of any party at any time.

II. At a post-permanency hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether the services to the family have been accessible, available, and appropriate.

Amend RSA 169-D:21, II as inserted by section 21 of the bill by replacing it with the following:

II. At this hearing, the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Amend RSA 169-D:21-a as inserted by section 22 of the bill by replacing it with the following:

169-B:21-a Permanency Hearings.

I. For a child who enters an out-of-home placement prior to an adjudicatory finding and who is in an out-of-home placement for 12 or more months, the court shall hold and complete an initial permanency hearing within 14 months of the child's entry into out-of-home placement or within 12 months of the court's adjudicatory finding, whichever is earlier. For a child who enters an out-of-home placement subsequent to an adjudicatory finding and who is in an out-of-home placement for 12 or more months, the court shall hold and complete an initial permanency hearing within 12 months of the child's entry into out-of-home placement. For a child who is in out-of-home placement following the initial permanency hearing, the court shall hold and complete a subsequent permanency hearing within 12 months of the initial permanency hearing and every 12 months thereafter as long as the child is in an out-of-home placement.

II. At a permanency hearing the court shall consider whether the parent or parents and child have met the responsibilities pursuant to the dispositional orders issued by the court. If compliance with the dispositional orders pursuant to RSA 169-D:17 is not met, the court shall adopt a permanency plan other than reunification for the child. Other options for a permanency plan include:

- (a) Termination of parental rights or parental surrender when an adoption is contemplated;
- (b) Guardianship with a fit and willing relative or another appropriate party; or
- (c) Another planned permanent living arrangement.

III. At a permanency hearing the court shall determine whether the department has made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the permanency plan that is in effect, the court shall consider whether services to the family have been accessible, available, and appropriate.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 262, establishing a committee to study certain prohibitions on smoking. Health and Human Services Committee. Ought to Pass, Vote 3-1. Senator Janeway for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 15 - Nays: 9

Adopted.

Ordered to third reading.

SB 263, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. Health and Human Services Committee. Ought to pass with amendment, Vote 3-1. Senator Sgambati for the committee.

Health and Human Services
April 4, 2007
2007-1168s
05/09

Amendment to SB 263

Amend the bill by replacing paragraph I of section 2 with the following:

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

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

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

Amend the bill by replacing section 6 with the following:

6 Reimbursement Policy and Rates. Notwithstanding any other provision of law, the reimbursement policies, rates, and related billing instructions, for hospital-based physicians and outpatient services in effect as of January 1, 2007 shall be the policies, rates, and billing instructions used by the department of health and human services. The general court shall consider the findings and recommendations of the study committee established in section 1 of this act prior to repealing or amending this section, or otherwise authorizing any change to such reimbursement policies, rates, and related billing instructions. The department of health and human services shall submit to the Centers for Medicare and Medicaid Services (CMS), no later than June 30, 2007, a state plan amendment to specify the use of the state's current methodology for provider-based reimbursement. This section shall not apply to selective contracting if enacted or otherwise adopted by the department.

Amendment adopted.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Foster.

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

The following Senators voted No: Gallus, Roberge, Bragdon, Gatsas, Barnes, Letourneau.

Yeas: 18 - Nays: 6

Adopted.

Ordered to third reading.

SB 240-FN, establishing contractual cohabitation and extending certain rights to parties to a contractual cohabitation. Judiciary Committee. Re-refer to committee, Vote 5-0. Senator Clegg for the committee.

Adopted.

SB 240-FN is re-referred to the Judiciary Committee.

Senator Barnes is in opposition to the motion of re-refer on SB 240-FN.

MOTION TO REMOVE FROM THE TABLE

Senator Foster moved to have SB 66 removed from the table.

Adopted.

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

The question is on the adoption of the committee amendment (1061).

Amendment adopted.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13
April 12, 2007
2007-1252s
04/01

Floor Amendment to SB 66

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

AN ACT relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders.

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as section 14:

13 Registration of Criminal Offenders; Registration Fee. Amend RSA 651-B:11, I to read as follows:

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

2007-1252s

AMENDED ANALYSIS

This bill divides certain responsibilities for involuntary civil commitment of sexually violent predators between the departments of corrections and health and human services and provides that the sex offender registry fee shall be collected twice per year by the department of safety.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Foster moved to have SB 109 removed from the table.

Adopted.

SB 109, relative to emergency powers of the supreme court.

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

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13
April 10, 2007
2007-1209s
09/04

Floor Amendment to SB 109

Amend the bill by replacing section 1 with the following:

1 New Section; Emergency Powers of the Supreme Court. Amend RSA 490 by inserting after section 6 the following new section:

490:6-a Emergency Powers.

I. The chief justice of the supreme court shall have the power, upon the request of the governor, attorney general, or the chief judge of any court, or sua sponte, in the event of natural disaster, civil disobedience, or other emergency situation requiring the closure of courts or other circumstances inhibiting the ability of litigants to comply with deadlines imposed by rules of procedure applicable in the courts of this state, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for a period of 21 days, including,

without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations. Such order or orders may be renewed by the chief justice of the supreme court as justice may require; provided, however, that any such renewal with respect to applicable statutes shall be effective only upon the concurrence of the governor or attorney general.

II. The legislature may terminate any order entered by the chief justice of the supreme court pursuant to paragraph I of this section to the extent that it deals with applicable statutes by concurrent resolution adopted by a majority vote of each chamber. The chief justice's authority to renew such an order to the extent that it deals with applicable statutes shall terminate upon the adoption of a concurrent resolution under this paragraph; provided, however, that such resolution shall not preclude the chief justice from declaring a new emergency for different circumstances under and in accordance with paragraph I.

2007-1209s

AMENDED ANALYSIS

This bill grants the chief justice of the supreme court the power to enter orders to suspend, toll, or otherwise grant relief from time deadlines imposed by statutes and rules of procedure, for a 21-day period, when certain emergency situations occur. The bill permits the legislature to terminate such orders by concurrent resolution.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster offered the following Resolution:

SR 1, requesting an opinion of the justices concerning the constitutionality of SB 112. (Sen. Foster, Dist 13; Sen. Clegg, Dist 14)

The question is on the motion of introduction.

Adopted.

MOTION TO TABLE

Senator Foster moved to have SR 1 laid on the table.

Adopted.

LAID ON THE TABLE

SR 1, requesting an opinion of the justices concerning the constitutionality of SB 112.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to have SB 112 removed from the table.

Adopted.

SB 112, relative to recommendations of marital masters.

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

Adopted.

MOTION TO TABLE

Senator Foster moved to have SB 112 laid on the table.

Adopted.

LAID ON THE TABLE

SB 112, relative to recommendations of marital masters.

MOTION TO REMOVE FROM THE TABLE

Senator Foster moved to have SR 1 removed from the table.

Adopted.

SR 1, requesting an opinion of the justices concerning the constitutionality of SB 112.

The question is on the adoption of the resolution.

Adopted.

SB 48, relative to removal of appointed highway agents from office. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

Adopted.

SB 48 is re-referred to the Public and Municipal Affairs Committee.

SB 49, relative to the authority of highway agents. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Barnes for the committee.

Adopted.

SB 49 is re-referred to the Public and Municipal Affairs Committee.

SB 190, establishing a committee to study municipal regulation of private motor sports clubs. Public and Municipal Affairs Committee. Re-refer to committee, Vote 4-2. Senator Barnes for the committee.

Adopted.

SB 190 is re-referred to the Public and Municipal Affairs Committee.

Senator Foster Rule #42 on SB 190.

SB 236, extending the authority for police mutual aid. Public and Municipal Affairs Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SPECIAL ORDER

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

The question is on the adoption of the committee amendment (1022).

A roll call was requested by Senator Gatsas.

Seconded by Senator Clegg.

Senator Gatsas withdrew his motion for a roll call.

Senator Clegg withdrew his second for a roll call.

Amendment adopted.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Bragdon.

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.

Ordered to third reading.

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 45, changing the name of the ballot law commission to the elections and ballot law commission, increasing the membership of the commission, and requiring the commission to propose redistricting plans.

SB 66, relative to involuntary civil commitment of sexually violent predators and relative to payment of the sex offender registration fee by criminal offenders.

SB 67-FN-A, relative to implementation of the recommendations of the YDC master plan and making an appropriation therefor.

SB 68-FN-A, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan.

SB 81, relative to the state building code.

SB 92, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

SB 98, relative to party access to voter information.

SB 101, relative to payment of costs for certain students attending alternative education programs.

SB 109, relative to emergency powers of the supreme court.

SB 134-FN-A, establishing a research and development credit against business taxes.

SB 138-FN-A, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making appropriations therefor.

SB 140, relative to transmission upgrades, the process for siting renewable generation facilities, and the study of demand response programs and distributed generation.

SB 152, relative to permanency planning for delinquent children, abused and neglected children, and children in need of services.

SB 176-FN, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards.

SB 178-FN, relative to the judicial retirement plan.

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

SB 191-FN-A, relative to the nongame species account in the fish and game fund.

SB 213-FN-A, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board.

SB 217-FN-A, establishing the New Hampshire housing and conservation planning program.

SB 224-FN-A, relative to the telecommunications planning and development advisory committee.

SB 226-FN, relative to the temporary assistance to needy families (TANF) program.

SB 236, extending the authority for police mutual aid.

SB 251, allowing the board of medicine to issue licenses for physicians to engage in a correctional institution medical practice.

SB 262, establishing a committee to study certain prohibitions on smoking.

SB 263, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations.

SB 265-FN, relative to the state apprenticeship council and the regulation of apprenticeship programs.

CACR 18, relating to funding of public education. Providing that the general court shall define an adequate education, regularly determine the cost thereof, fund not less than fifty percent of the total statewide cost of an adequate education each year and distribute state aid to promote equal opportunity to receive an adequate education.

ANNOUNCEMENTS

Senator Letourneau Rule #44.

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, sending and receiving messages, and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.