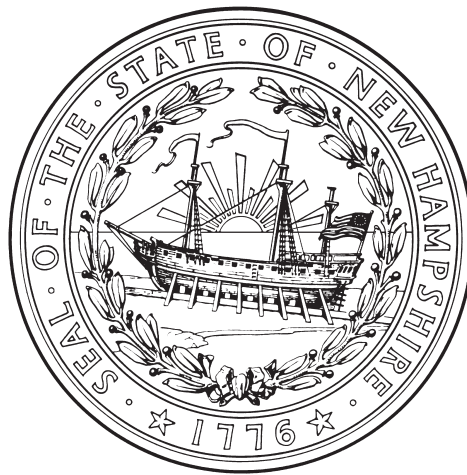


May 10, 2007
Nos. 15 - 16

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 3, 2007 SESSION
COMMENCEMENT – MAY 10, 2007 SESSION

SENATE JOURNAL 15 (*Cont.*)

May 3, 2007

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 42, relative to resource protection sections of local master plans.

HB 53, relative to school health personnel.

HB 198-FN, relative to collection of taxes on land with a discretionary easement or subject to community revitalization tax relief penalty assessments and relative to the calculation of penalties applied to tax-deeded properties.

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

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

SB 37, relative to accidental death benefit payments in the city of Manchester employees' contributory retirement system.

SB 39, allowing a newly-retired supreme court justice to continue to participate as a temporary justice in a case held before retirement but decided after.

SB 43, relative to the training for barbers and establishing the master barber license under the board of barbering, cosmetology, and esthetics.

SB 51, transferring authority over court forms from the supreme court to the judicial branch administrative council.

SB 83, naming the Epsom traffic circle in honor of Officer Jeremy Charron and Officer Michael Briggs and naming a portion of Route 4 in honor of Officer Michael Briggs.

SB 86, naming a bridge in Plymouth.

SB 164, relative to renewals and reinstatements of licenses issued by the board of dental examiners and procedures of the board.

SB 200-FN, relative to the state directory of new hires.

SB 252, relative to publication of supreme court reports.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 39, repealing the penalty provision in discretionary preservation easements.

HB 89, establishing a committee to study dispute resolution between local political subdivisions and public employees in New Hampshire.

HB 98, relative to the situation of landfills on land owned by municipalities.

HB 169, relative to penalties for insurers or adjusters knowingly underestimating the value of an insurance claim.

HB 216, establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay Estuary.

HB 220, establishing a reporting requirement for departments that receive highway funds.

HB 228, relative to the definition of "medical necessity" under the managed care law.

HB 240, relative to the amount of child support arrearage triggering the denial of a passport.

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

HB 361, relative to certain laws governing public utilities and the proposed acquisition of certain assets and franchises of Verizon by FairPoint.

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

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

HB 532, relative to insurance fraud.

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

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

HB 928, relative to the Christa McAuliffe planetarium commission.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 16

May 10, 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.

You are the God of time and space and for whatever reason You choose to share the responsibility for some of that time and some of that space with us. Strengthen this group who so change this room by just coming into it, that they might change the lives they touch just as much, simply by being their very best selves. Amen

Senator DeVries led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SPECIAL ORDER

Senator Larsen moved to Special Order without objection HB 604-FN & HB 876 to the end of the Calendar.

HB 604-FN, prohibiting the taking of deer from baited areas. Wildlife, Fish and Game Committee. Inexpedient to Legislate, Vote 3-1. Senator D'Allesandro for the committee.

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

COMMITTEE REPORTS

HB 99, relative to the youth employment law. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 3-1. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 101, relative to annual training for members of the workers' compensation appeals board. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 158, requiring insurance companies to allow covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

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

A roll call was requested by Senator Gottesman.

Seconded by Senator Hassan.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on HB 158.

HB 227, relative to identity theft. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 5-0. Senator Gottesman for the committee.

Sen. Gottesman, Dist. 12

May 3, 2007

2007-1450s

05/10

Amendment to HB 227

Amend RSA 359-I:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Personal information" shall include any one or more of the following, whether the information is owned by or assigned to the person it relates to:

- (a) A first and last name of a user, whether given at birth or adoption, assumed, or legally changed.
- (b) A home or physical address.
- (c) A telephone number.
- (d) A social security number.
- (e) Any personal identification number.
- (f) A credit or debit card number.
- (g) Any access code associated with a credit or debit card.
- (h) A date of birth, birth certificate number, or place of birth.
- (i) A password or access code.
- (j) A financial institution account number.
- (k) A driver's license or other governmental identification.

Amend the introductory paragraph of RSA 359-I:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Unless otherwise permitted by state law or rules or federal statute or regulation, no person shall, without the authorization, consent, or permission of the other person, do any of the following with fraudulent intent:

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 424-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-1. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

HB 426, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 3-0. Senator Gottesman for the committee.

Commerce, Labor and Consumer Protection

May 2, 2007

2007-1432s

01/04

Amendment to HB 426

Amend the bill by deleting sections 1-3 and renumbering the original sections 4-6 to read as 1-3, respectively.

Amend the bill by replacing sections 2 and 3 with the following:

2 Position Established. There is hereby established within the department of labor the position of administrative assistant I, labor grade 16, to carry out the responsibilities required under RSA 281A:43, III as inserted by section 1 of this act. The position shall be funded from moneys from the workers' compensation division of the department of labor.

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

2007-1432s

AMENDED ANALYSIS

This bill allows the insurance commissioner to conduct investigations and hold hearings regarding whether additional premium charges should be paid by an employer for workers' compensation insurance.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Devries, Dist. 18

May 7, 2007

2007-1480s

01/09

Floor Amendment to HB 426

Amend the bill by replacing section 2 with the following:

2 Position Established.

I. There is hereby established within the department of labor the position of administrative assistant I, labor grade 16, to carry out the responsibilities required under RSA 281A:43, III as inserted by section 1 of this act.

II. The sum of \$55,443 for the fiscal year ending June 30, 2008, and the sum of \$55,024 for the fiscal year ending June 30, 2009, are hereby appropriated to the department of labor for salary, benefits, current expenses, and equipment for the position established in paragraph I. The moneys appropriated under this paragraph shall be a charge against the workers' compensation administration fund, established under RSA 281-A:59.

2007-1480s

AMENDED ANALYSIS

This bill allows the insurance commissioner to conduct investigations and hold hearings regarding whether additional premium charges should be paid by an employer for workers' compensation insurance. The bill makes an appropriation from the workers' compensation administration fund for the salary, benefits, current expenses, and equipment for a position created in the bill.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 636-FN, relative to physician credentialing under the managed care law. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

Sen. Gottesman, Dist. 12
May 3, 2007
2007-1454s
01/09

Amendment to HB 636-FN

Amend RSA 420-J:4, I(b)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(1) Allow a health care provider who, at the time of submission of a clean and complete application, has a valid license from the respective state licensing board and has been credentialed by the hospital, if appropriate, to deliver health care services to covered persons when covering on-call for another health care provider who is credentialed by the carrier.

(2) Allow a health care provider to deliver health care services to covered persons when that health care provider has a valid license from the respective state licensing board and has been credentialed by the hospital, if appropriate, and who at the time of submission of a clean and complete application is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity. When a health care provider relocates or opens an additional office and the carrier requires a site visit, documentation of the new site evaluation shall be required as part of the credentialing process. The medical director of the health carrier or other designated health care professional shall have responsibility for, and shall participate in, health care professional credentialing verification.

Amend RSA 420-J:4, I as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) An applicant's rights under this section and under RSA 420-J:8-c shall terminate upon denial of the credentialing application by the health carrier or if the applicant decides not to contract with the health carrier.

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

2 New Section; Reimbursement for Providers Waiting for Health Carrier Credentialing Verification. Amend RSA 420-J by inserting after section 8-b the following new section:

420-J:8-c Reimbursement for Providers Waiting for Health Carrier Credentialing Verification. Pursuant to RSA 420-J:4, I, health carriers issuing health benefit plans subject to this chapter shall pay claims for covered services rendered to covered persons by a health care provider who, at the time of submission of a clean and complete credentialing application, has a valid license from the respective state licensing board and has been credentialed by the hospital, if appropriate. The claim for covered services rendered by the provider applicant shall be paid at the same contracted rate as the credentialed provider:

I. When covering on-call for another health care provider who is credentialed by the carrier and billed using the name of the credentialed provider; or

II. Who, at the time of application, is credentialed by the health carrier in another state or is in the health carrier's New Hampshire network based on employment with a particular health care entity.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 727-FN, establishing a commission to study health insurance coverage in the construction industry. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator DeVries for the committee.

Commerce, Labor and Consumer Protection
May 3, 2007
2007-1460s
01/09

Amendment to HB 727-FN

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

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

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) The insurance commissioner, or designee.
- (c) The director of the division of charitable trusts, department of justice, or designee.
- (d) One member of the health facilities planning and review board, appointed by the board.
- (e) A representative of the New Hampshire Local Government Center, appointed by the center.
- (f) A representative of the New Hampshire Hospital Association, appointed by the association.
- (g) A representative of the New Hampshire Citizens Health Initiative, appointed by such organization.
- (h) Two members representing construction contractors, one representing union contractors and one representing non-union contractors, appointed by the speaker of the house of representatives and the president of the senate.
- (i) Two members representing construction workers, one representing union workers and one representing non-union workers, appointed by the speaker of the house of representatives and the president of the senate.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 790-FN, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-2. Senator Gottesman for the committee.

Sen. Gottesman, Dist. 12

Sen. Sgambati, Dist. 4

May 3, 2007

2007-1423s

01/09

Amendment to HB 790-FN

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

1 Insurance; Young Adults Added. Amend RSA 415:5, I(3) to read as follows:

(3)(a) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any ~~[children under a specified age which shall not exceed 18 years and any other person dependent upon the policyholder]~~ **dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:**

(1) Is less than 26 years of age;

(2) Is unmarried;

(3) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(4) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

(b) Nothing in this subparagraph shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this section; or

(2) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this subparagraph.

(c) A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent eligible pursuant to this subparagraph.

(d) Coverage for a dependent provided pursuant to this subparagraph shall be provided until the earlier of the following:

(1) The dependent is disqualified for dependent status as set forth in subparagraph I(3)(a);
or

(2) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

(e) Nothing in this subparagraph shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to subparagraph (c), based upon the dependent's prior disqualification pursuant to subparagraph (d)(1).

(f) Notice regarding coverage for a dependent as provided pursuant to this subparagraph shall be provided to a subscriber:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days following the effective date of this subparagraph. Such notice shall include information regarding the required special open enrollment period.

2 New Section; Health Service Corporations; Dependent Coverage Added. Amend RSA 420-A by inserting after section 10 the following new section:

420-A:10-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age;

(b) Is unmarried;

(c) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(d) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. Nothing in this section shall be construed to require:

(a) Coverage for services provided to a dependent before the effective date of this section; or

(b) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this section.

III. A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent eligible pursuant to this section.

IV. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(a) The dependent is disqualified for dependent status as set forth in paragraph I of this section; or

(b) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

V. Nothing in this section shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to paragraph III, based upon the dependent's prior disqualification pursuant to subparagraph IV(a).

VI.(a) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days following the effective date of this section.

(b) Such notice shall include information regarding the required special open enrollment period.

3 New Section; Health Maintenance Organizations; Dependent Coverage Added. Amend RSA 420-B by inserting after section 8-a the following new section:

420-B:8-aa Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age;

(b) Is unmarried;

(c) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(d) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. Nothing in this section shall be construed to require:

(a) Coverage for services provided to a dependent before the effective date of this section; or

(b) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this section.

III. A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent child eligible pursuant to this section.

IV. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(a) The dependent is disqualified for dependent status as set forth in paragraph I of this section; or

(b) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

V. Nothing in this section shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to paragraph III, based upon the dependent's prior disqualification pursuant to subparagraph IV(a).

VI.(a) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days following the effective date of this section.

(b) Such notice shall include information regarding the required special open enrollment period.

4 New Section; Preferred Provider Agreements; Dependent Coverage Added. Amend RSA 420-C by inserting after section 4 the following new section:

420-C:4-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age;

(b) Is unmarried;

(c) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(d) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. Nothing in this section shall be construed to require:

(a) Coverage for services provided to a dependent before the effective date of this section; or

(b) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this section.

III. A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent eligible pursuant to this section.

IV. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(a) The dependent is disqualified for dependent status as set forth in paragraph I of this section; or

(b) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

V. Nothing in this section shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to paragraph III, based upon the dependent's prior disqualification pursuant to subparagraph IV(a).

VI.(a) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days following the effective date of the passage of this law.

(b) Such notice shall also include information regarding the required special open enrollment period.

5 New Section; Delta Dental; Dependent Coverage Added. Amend RSA 420-F by inserting after section 5 the following new section:

420-F:5-a Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age;

(b) Is unmarried;

(c) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(d) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. Nothing in this section shall be construed to require:

(a) Coverage for services provided to a dependent before the effective date of this section; or

(b) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this section.

III. A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent eligible pursuant to this section.

IV. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(a) The dependent is disqualified for dependent status as set forth in paragraph I of this section; or

(b) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

V. Nothing in this section shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to paragraph III, based upon the dependent's prior disqualification pursuant to subparagraph IV(a).

VI.(a) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber if:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days following the effective date of this section.

(b) Such notice shall include information regarding the required special open enrollment period.

6 New Section; Managed Care; Dependent Coverage Added. Amend RSA 420-J by inserting after section 8-b the following new section:

420-J:8-c Dependent Coverage.

I. A policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children or any dependent under age 26. In this section "dependent" means a subscriber's child by blood or by law, who:

(a) Is less than 26 years of age;

(b) Is unmarried;

(c) Is a resident of New Hampshire or is enrolled as a student at a public or private institution of higher education; and

(d) Is not provided coverage as a named subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan, or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq.

II. Nothing in this section shall be construed to require:

(a) Coverage for services provided to a dependent before the effective date of this section; or

(b) That an employer pay all or part of the cost of family coverage that includes a dependent as provided pursuant to this section.

III. A subscriber that elects family coverage during any applicable open enrollment period may enroll any dependent eligible pursuant to this section.

IV. Coverage for a dependent provided pursuant to this section shall be provided until the earlier of the following:

(a) The dependent is disqualified for dependent status as set forth in paragraph I of this section;

(b) The date upon which the employer under whose contract coverage is provided to a dependent ceases to provide coverage to the subscriber.

V. Nothing in this section shall be construed to permit a health insurance carrier to refuse an election for coverage by a dependent pursuant to paragraph III, based upon the dependent's prior disqualification pursuant to subparagraph IV(a).

VI.(a) Notice regarding coverage for a dependent as provided pursuant to this section shall be provided to a subscriber:

(1) In the certificate of coverage prepared for subscribers on or about the date of commencement of coverage; and

(2) Within 30 days of the effective date of this section.

(b) Such notice shall include information regarding the required special open enrollment period.

7 Special Enrollment Period. With respect to a subscriber's child that previously ceased to be eligible for coverage and who newly qualifies as a dependent under RSA 415:5, I(3), RSA 420-A:10-a, II(b), RSA 420-B:8-aa, II(b), RSA 420-C:4-b, II(b), RSA 420-F:5-a, II(b), and RSA 420-J:8-c, II(b), there shall be a special open enrollment period during which a subscriber with family coverage can elect to reinstate coverage for the dependent child. The special enrollment period shall begin August 1, 2007 and end September 30, 2007.

8 Department of Insurance; Report Required.

I. The department of insurance shall compile available data and prepare a report concerning the implementation and effectiveness of the dependant coverage for health insurance under sections 1-6 of this act. The report shall include review of the impact of the dependent coverage health insurance initiative on coverage as well as cost.

II. The commissioner shall make the report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the governor, and the chairs of the house and senate commerce committees on or before December 15, 2008.

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

2007-1423s

AMENDED ANALYSIS

This bill expands the definition of dependent young adults to those who are less than 26 years of age for purposes of insurance coverage.

Amendment adopted.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 13 - Nays: 10

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on HB 790-FN.

HB 889-FN, relative to securities regulation. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

Senator Kelly Rule #42 on HB 889-FN.

HB 921-FN, making technical changes in the insurance laws. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Reynolds for the committee.

Sen. Gottesman, Dist. 12

May 3, 2007

2007-1448s

01/09

Amendment to HB 921-FN

Amend RSA 415:6, I(15) as inserted by section 1 of the bill by replacing it with the following:

(15) A provision as follows: Pre-certification: In the event that a person is covered by more than one plan that requires pre-certification, the member shall obtain pre-certification from the primary plan.

Although the member shall not be required to obtain pre-certification from the secondary plan, the secondary plan shall not be required to treat such services as covered services if the services do not meet its certification criteria. The secondary plan shall not refuse payment for such services solely on the basis that the services were not pre-certified by the secondary plan.

Amend RSA 415:18, I(u) as inserted by section 3 of the bill by replacing it with the following:

(u) A provision that in the event that a person is covered by more than one plan that requires pre-certification, the member shall obtain pre-certification from the primary plan. Although the member shall not be required to obtain pre-certification from the secondary plan, the secondary plan shall not be required to treat such services as covered services if the services do not meet its certification criteria. The secondary plan shall not refuse payment for such services solely on the basis that the services were not pre-certified by the secondary plan.

Amend RSA 415:18, XVI(e)(2) as inserted by section 7 of the bill by replacing it with the following:

(2) It shall be the responsibility of the individual electing continuation coverage to make timely premium payments. A 30-day grace period for payment of the premium shall be provided. Failure to make a timely remittance of the premium shall be grounds for cancellation. Whenever a carrier fails to notify an individual that his or her coverage will not continue unless the individual so elects, the carrier shall be liable, in accordance with the terms of the policy, for claims accrued until such notice is made, except that any carrier that in good faith mailed a notice to the last known address of the individual shall not be held liable. Such carrier's liability shall in no way diminish the liability of the employer if the employer fails to notify the carrier of a member's loss of coverage.

Amend RSA 415:18, XVI(f)(4) as inserted by section 7 of the bill by replacing it with the following:

(4) The carrier shall specify in each notice of continuation how premium payments are to be remitted.

Amend RSA 415:18, XVII as inserted by section 7 of the bill by deleting subparagraph (f).

Amend RSA 420-B:12, I(d) as inserted by section 16 of the bill by replacing it with the following:

(d) In the event that a person is covered by more than one plan that requires pre-certification, the member shall obtain pre-certification from the primary plan. Although the member shall not be required to obtain pre-certification from the secondary plan, the secondary plan shall not be required to treat such services as covered services if the services do not meet its certification criteria. The secondary plan shall not refuse payment for such services solely on the basis that the services were not pre-certified by the secondary plan.

Amend RSA 420-C:4-b as inserted by section 18 of the bill by replacing it with the following:

420-C:4-b Pre-certification Requirement. In the event that a person is covered by more than one plan that requires pre-certification, the member shall obtain pre-certification from the primary plan. Although the member shall not be required to obtain pre-certification from the secondary plan, the secondary plan shall not be required to treat such services as covered services if the services do not meet its certification criteria. The secondary plan shall not refuse payment for such services solely on the basis that the services were not pre-certified by the secondary plan.

Amend RSA 420-G:7, I(b) as inserted by section 23 of the bill by replacing it with the following:

(b) Such preexisting condition exclusion period may only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the [effective] **enrollment** date of health coverage.

Amend RSA 420-J:3-b as inserted by section 26 of the bill by replacing it with the following:

420-J:3-b Pre-certification Requirement. In the event that a person is covered by more than one plan that requires pre-certification, the member shall obtain pre-certification from the primary plan. Although the member shall not be required to obtain pre-certification from the secondary plan, the secondary plan shall not be required to treat such services as covered services if the services do not meet its certification criteria. The secondary plan shall not refuse payment for such services solely on the basis that the services were not pre-certified by the secondary plan.

Amend RSA 420-J:5, V(a)(7) as inserted by section 28 of the bill by replacing it with the following:

(7) ~~[The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S.~~

~~Department of Labor Office and your state insurance regulatory agency;"]~~ ***If the appeal involves an adverse determination, a copy of the notice of the right to external review that includes the specific requirements for filing an external review; and***

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 46-FN-A-L, making an appropriation to fund kindergarten programs in the towns of Merrimack, Hampstead, Goffstown, and Fremont, and in the Timberlane regional school district. Education Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Senate Education

May 1, 2007

2007-1401s

04/05

Amendment to HB 46-FN-A-LOCAL

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

AN ACT making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.

Amend the bill by replacing section 1 with the following:

1 Appropriation. There is hereby appropriated the sum of \$2,004,000, for the fiscal year ending June 30, 2007, from the education trust fund established in RSA 198:39 to the department of education, to annually provide a grant of \$1,200 per pupil for resident kindergarten pupils in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts. Such funds shall lapse on June 30, 2009, and shall be distributed pursuant to 2001, 158:37, as amended by 2003, 319:134, and 2005, 177:153.

2007-1401s

AMENDED ANALYSIS

This bill makes an appropriation from the education trust fund to the department of education to fund a grant of \$1,200 per pupil for resident kindergarten pupils in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.

Amendment adopted.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Roberge.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

HB 324, relative to the use of artificial trans fats and saturated fats in food prepared and served in public schools. Education Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

Committee report of inexpedient to legislate is adopted.

HB 661-FN-A, establishing an executive planning commission on special education. Education Committee. Ought to pass with amendment, Vote 3-1. Senator Fuller Clark for the committee.

Senate Education
May 2, 2007
2007-1435s
04/09

Amendment to HB 661-FN-A

Amend RSA 186-C:21, III as inserted by section 2 of the bill by replacing it with the following:

III. The plan shall include, but not be limited to, the identification of persons or agencies responsible, timelines, resources, and any necessary statutory, regulatory, or policy changes. The commission shall provide the plan and any other recommendations the commission deems necessary and appropriate to the general court and the governor by December 1, 2008, and may at any time prior to said date propose any initiatives which may be implemented earlier.

Amend RSA 186-C:21, IV(c) as inserted by section 2 of the bill by replacing it with the following:

(c) To what extent and from where existing state or federal dollars may be used to fund some of the services proposed in this section, and the apportionment of costs between the state and local school districts for the provision of such services.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$50,000 for the biennium ending June 30, 2009, is hereby appropriated to the executive planning commission on special education established in RSA 186-C:21, for the purpose of hiring staff and retaining consultants as deemed necessary consistent with the duties of such commission. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2007-1435s

AMENDED ANALYSIS

This bill establishes an executive planning commission on special education and appropriates \$50,000 from the general fund for the biennium ending June 30, 2009.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 701, relative to the definition of a school district in the case of unincorporated towns or unorganized places. Education Committee. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

HB 32, establishing a commission to study voter registration cards. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Letourneau for the committee.

Election Law and Internal Affairs

May 2, 2007

2007-1439s

03/04

Amendment to HB 32

Amend the bill by replacing sections 2-4 with the following:

2 Membership and Compensation.

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

(a) Two members of the election law committee of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the election law committee of the house of representatives, appointed by the minority party leader.

(c) One city clerk, appointed by the New Hampshire City and Town Clerks Association.

(d) One town clerk, appointed by the New Hampshire City and Town Clerks Association.

(e) The secretary of state, or designee.

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

3 Duties. The commission shall review the advisability of adopting a voter registration card system, and shall review options available for the production and distribution of voter registration cards. The commission shall consider the information to be placed on the cards and ways to encourage the voluntary use of the cards by voters on election day.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain non-profit entities. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 482, adding the song "Live Free or Die" as an official state song. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 3-1. Senator Letourneau for the committee.

Election Law and Internal Affairs

May 2, 2007

2007-1426s

08/09

Amendment to HB 482

Amend RSA 3:7, X as inserted by section 1 of the bill by replacing it with the following:

X. "Live Free or Die" with words and music by Barry Palmer.

Amendment adopted.

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

Adopted.

Ordered to third reading.

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

Adopted.

Ordered to third reading.

HB 715, establishing a committee to study the state heritage collections committee and the joint legislative historical committee. Election Law and Internal Affairs Committee. Re-refer to committee, Vote 4-0. Senator Burling for the committee.

Adopted.

HB 715 is re-referred to the Election Law and Internal Affairs Committee.

HCR 3, urging that New Hampshire members and veterans of the armed forces and national guard and their dependents receive health screening for depleted uranium exposure. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HJR 1, urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 56, relative to the definition of agritourism. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-0. Senator Odell for the committee.

Sen. Fuller Clark, Dist. 24

May 2, 2007

2007-1446s

08/09

Amendment to HB 56

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Agritourism. Amend RSA 21:34-a by inserting after paragraph V the following new paragraph:

VI. The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.

Amendment adopted.

Senator Kenney offered a floor amendment.

Sen. Kenney, Dist. 3

May 10, 2007

2007-1567s

08/09

Floor Amendment to HB 56

Amend the bill by replacing section 2 with the following:

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

Floor amendment adopted.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 189, relative to swim lines in public waters. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 207, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Energy, Environment, and Economic Development

May 2, 2007

2007-1424s

08/09

Amendment to HB 207

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 427, defining construction and demolition debris and certified waste-derived product, and relative to the department of environmental services certifying waste-derived products of the wood component of construction and demolition debris. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Fuller Clark for the committee.

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

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Gottesman.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 428, prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development

May 3, 2007

2007-1464s

08/09

Amendment to HB 428

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

AN ACT prohibiting the combustion of the wood component of construction and demolition debris and defining construction and demolition debris and transfer station.

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

1 New Section; Combustion Ban. Amend RSA 125-C by inserting after section 10-b the following new section:

125-C:10-c Combustion Ban. Notwithstanding any provision of law to the contrary, no person shall combust the wood component of construction and demolition debris, as defined in RSA 149-M:4, IV-a, or any mixture or derivation from said component. This section shall not apply to the incidental combustion of such materials by any municipal waste combustor, as defined in RSA 125-M:2, XI, which was subject to regulation by this chapter or RSA 149-M and which was in operation on January 1, 2006, or by any municipal incinerator that is permitted by the department and was in operation on January 1, 2006. This section shall not apply to the incidental combustion, under the supervision of a solid waste facility operator, of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.

2 Prospective Amendment; Combustion Ban. Amend RSA 125-C:10-c to read as follows:

125-C:10-c Combustion Ban. Notwithstanding any provision of law to the contrary, no person shall combust the wood component of construction and demolition debris, as defined in RSA 149-M:4, IV-a, or any mixture or derivation from said component. This section shall not apply to the incidental combustion of such materials by any municipal waste combustor, as defined in RSA 125-M:2, XI, which was subject to regulation by this chapter or RSA 149-M and which was in operation on January 1, 2006, or by any municipal incinerator that is permitted by the department and was in operation on January 1, 2006. ~~This section shall not apply to the incidental combustion, under the supervision of a solid waste facility operator, of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.]~~

3 New Paragraph; Construction and Demolition Debris; Definition. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. "Construction and demolition debris" means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

4 New Paragraph; Transfer Station; Definition. Amend RSA 149-M:4 by inserting after paragraph XXVII the following new paragraph:

XXVII-a. "Transfer station" means a solid waste collection, storage, and transfer facility, which collects, stores, and transfers solid waste, including non-recyclable waste.

5 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

II. The remainder of this act shall take effect January 1, 2008.

2007-1464s

AMENDED ANALYSIS

This bill:

I. Prohibits the combustion of the wood component of construction and demolition debris.

II. Defines construction and demolition debris.

III. Defines transfer station.

Amendment adopted.

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

A roll call was requested by Senator Fuller Clark.

Seconded by Senator Hassan.

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

The following Senators voted No: Clegg.

Yeas: 23 - Nays: 1

Adopted.

Ordered to third reading.

HB 407-FN-A, relative to assistance for milk producers. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

May 2, 2007

2007-1445s

08/01

Amendment to HB 407-FN-A

Amend RSA 184-B:2, I as inserted by section 1 of the bill by replacing it with the following:

I. In order to apply for the emergency dairy assistance program, a milk producer as defined by RSA 184:79, IX, shall calculate his or her actual production of milk in hundredweight for November 2006, December 2006, January 2007, and February 2007. Assistance shall be calculated by multiplying a milk producer's actual milk production times the difference between the average Suffolk county statistical uniform price ("Boston Blend") for November 2006, December 2006, January 2007, and February 2007 and the base price of milk at \$16.94 per hundredweight. Producers who were not in production in November 2006, December 2006, January 2007, and February 2007, but who were in production in the calendar year of 2006, and who wish to receive this interim assistance shall provide the commissioner verifiable production evidence by September 1, 2007 for the lowest actual 4 months' milk production in 2006. For the purposes of this chapter, a milk producer, as defined in RSA 184:79, IX who is receiving assistance shall not include governmental entities.

Amend RSA 184-B:5 as inserted by section 1 of the bill by replacing it with the following:

184-B:5 Butterfat Content.

I. Producers with herds that produce milk with an average butterfat content of 4.0 percent or less shall receive assistance from the program as determined in RSA 184-B:2, I.

II. Producers with herds that produce milk with an average butterfat content between 4.01 percent and 4.5 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus 10 percent.

III. Producers with herds that produce milk with an average butter fat content over 4.51 percent shall receive assistance granted according to the formula in RSA 184-B:2, I, plus an additional 20 percent.

Amendment adopted.

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

A roll call was requested by Senator Kelly.

Seconded by Senator Cilley.

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

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

Yeas: 19 - Nays: 5

Adopted.

Referred to the Finance Committee (Rule #26).

HB 571-FN, relative to full-time seasonal state employees. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SPECIAL ORDER

Senator Larsen moved to Special Order without objection HB 629-FN to the end of the Calendar.

HB 629-FN, relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Kelly for the committee.

HB 749, changing the position of forensic toxicologist within the department of safety from an unclassified to a classified position. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-1. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

May 1, 2007

2007-1386s

09/03

Amendment to HB 749

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

AN ACT relative to positions within the department of safety and making an appropriation therefor.

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

1 Unclassified Salaries, Forensic Toxicologist Deleted. Amend RSA 94:1-a, I(b) by deleting the following:

FF	Department of safety	forensic toxicologist
----	----------------------	-----------------------

2 Unclassified Salary, Chief of Policy and Planning. There is hereby established within the department of safety, office of the commissioner, the unclassified position of chief of policy and planning. Pursuant to RSA 94:1-d, the commissioner of safety shall submit his or her recommendation relative to the appropriate letter grade in RSA 94:1-a, I(b) for the position to the commissioner of administrative services, who shall submit the recommendation to an outside consultant for the purpose of assessing the appropriate letter grade for unclassified officers. The commissioner of administrative services shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation.

3 New Section; Unclassified Position Established; Chief of Policy and Planning. Amend RSA 21-P by inserting after section 5-a the following new section;

21-P:5-b Chief of Policy and Planning. The commissioner of safety shall nominate a chief of policy and planning for appointment by the governor, with the consent of the council. The chief of policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold that position by reason of education and experience and shall perform such duties as are assigned.

4 Classified Position Established; Forensic Toxicologist. There is established within the department of safety, division of state police, forensic laboratory, toxicology laboratory, an additional criminalist position to serve as state toxicologist at such labor grade and step as shall be determined by the director of state personnel. The comptroller, upon request of the commissioner of safety, is authorized to transfer sufficient funds from PAU 02-15-04-16-03, class 12, personnel services -unclassified, allocated to the unclassified position of state toxicologist in the operating budget to class 10, personal services - permanent, to support the salary of the new classified position.

5 Appropriation.

I. The following sums are hereby appropriated to the office of the commissioner, department of safety for the fiscal years ending June 30, 2008 and June 30, 2009:

	<u>FY 08</u>	<u>FY 09</u>
Class 19, chief of policy and planning	75,857	75,857
Class 30, equipment	5,000	0
Class 60, benefits	\$ 36,639	\$ 36,639
	\$117,496	\$112,496

II. The sums appropriated under paragraph I are additional to any other sums appropriated to the department of safety for fiscal years 2008 and 2009.

III(a). Of the sums appropriated, the sum of \$82,277 for fiscal year 2008 and the sum of \$78,747 for fiscal year 2009 shall be a charge on the highway fund.

(b) Of the remainder of the sums appropriated, the sum of \$35,249 for fiscal year 2008 and the sum of \$33,749 for fiscal year 2009 shall be general funds. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Personnel Reallocations Authorized. For the biennium ending June 30, 2009, the commissioner of safety, whenever he or she deems it will improve the efficiency and effectiveness of the delivery of service within the department, may, with approval of the fiscal committee of the general court and governor and council and further subject to approval of the position classifications by the director of personnel, eliminate certain personnel positions that may become vacant during the biennium and establish in their place other personnel positions from the same funding source, provided the cost of the new positions does not exceed the amounts budgeted for the positions being eliminated. The commissioner of safety shall submit reports on or before December 1, 2007, June 30, 2008, and December 1, 2008 to the chairs of the house and senate executive departments and administration committees on any actions taken as a result of this authorization.

7 Effective Date.

I. Sections 1 and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2007.

2007-1386s

AMENDED ANALYSIS

This bill eliminates the unclassified position of forensic toxicologist in the department of safety and establishes classified toxicologist and chief of policy and planning positions in the department. The bill makes appropriations for salary, benefits, and equipment for the chief of policy and planning position.

The bill also authorizes the commissioner of safety to make certain personnel reallocations.

This bill was requested by the department of safety.

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. Clegg, Dist. 14

May 10, 2007

2007-1564s

01/09

Floor Amendment to HB 749

Amend the bill by replacing sections 4 and 5 with the following:

4 Classified Position Established; Forensic Toxicologist. There is established within the department of safety, division of state police, forensic laboratory, toxicology laboratory, an additional criminalist position to serve as state toxicologist at such labor grade and step as shall be determined by the director of state personnel. The comptroller, upon request of the commissioner of safety, is authorized to transfer sufficient funds within the operating budget for the department of safety, which shall not be highway funds, to support the salary of the new classified position.

5 Appropriation.

I. The following sums are hereby appropriated to the office of the commissioner, department of safety for the fiscal years ending June 30, 2008 and June 30, 2009:

	FY 08	FY 09
Class 19, chief of policy and planning	75,857	75,857
Class 30, equipment	5,000	0
Class 60, benefits	\$ 36,639	\$ 36,639
	\$117,496	\$112,496

II. The sums appropriated under paragraph I are additional to any other sums appropriated to the department of safety for fiscal years 2008 and 2009.

III. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Letourneau.

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.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 41, relative to human immunodeficiency virus education, prevention, and control. Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

SPECIAL ORDER

Senator Larsen moved to Special Order without objection HB 876 to Thursday, May 17, to its regular place in the Calendar.

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

HB 86, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger. Health and Human Services Committee. Ought to pass with amendment, Vote 3-0. Senator Janeway for the committee.

Health and Human Services

May 2, 2007

2007-1416s

05/10

Amendment to HB 86

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house of representatives. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 139, relative to the reporting of burn injuries. Health and Human Services Committee. Inexpedient to Legislate, Vote 4-0. Senator Janeway for the committee.

Committee report of inexpedient to legislate is adopted.

HB 273-FN, relative to special needs trusts. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Health and Human Services

May 1, 2007

2007-1409s

01/04

Amendment to HB 273-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect November 1, 2007.

Amendment adopted.

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

A roll call was requested by Senator Estabrook.

Seconded by Senator Hassan.

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

The following Senators voted No: Roberge, Clegg.

Yeas: 22 - Nays: 2

Adopted.

Referred to the Finance Committee (Rule #26).

HB 495-FN, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS). Health and Human Services Committee. Ought to pass with amendment, Vote 3-0. Senator Sgambati for the committee.

Health and Human Services

May 2, 2007

2007-1413s

05/04

Amendment to HB 495-FN

Amend the bill by replacing section 16 with the following:

16 Effective Date.

I. Sections 2-6 of this act shall take effect July 1, 2007.

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 542, establishing a study committee to study the approval process of nursing education programs. Health and Human Services Committee. Ought to pass with amendment, Vote 3-0. Senator Kenney for the committee.

Health and Human Services

May 2, 2007

2007-1420s

08/03

Amendment to HB 542

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

AN ACT establishing a study committee to study the approval process of nursing education programs and allowing registered nurses to pronounce an anticipated death in an assisted living residence.

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

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

Amend the bill by replacing section 4 with the following:

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

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

6 Pronouncement of Death by Registered Nurses. Amend RSA 290:1-b to read as follows:

290:1-b Pronouncement of Death by Registered Nurses. If an anticipated death occurs in a hospital, a nursing home, a private home served by a home health care provider licensed under RSA 151, ***an assisted living residence as defined in RSA 161-J:2, II***, or a hospice, the registered nurse attending at the last sickness may pronounce the person dead and release the body to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent after certifying the fact of death and completing the death record by hand or other approved electronic process. If a contagious disease is known to be present at the time of death, that fact shall be indicated on the death record in accordance with RSA 5-C:62.

2007-1420s

AMENDED ANALYSIS

This bill establishes a committee to study the approval process of nursing education programs. This bill also allows a registered nurse to pronounce an anticipated death in an assisted living residence.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law. Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Estabrook for the committee.

MOTION TO TABLE

Senator Estabrook moved to have HB 597-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 597-FN, relative to expenditure caps for institutional health facilities under the certificate of need law.

HB 93, relative to use of the child support guidelines worksheet. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Reynolds for the committee.

Committee report of inexpedient to legislate is adopted.

HB 244, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Reynolds for the committee.

MOTION TO TABLE

Senator Reynolds moved to have HB 244 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 244, repealing a certain provision of law regarding advance directives and mentally incompetent or developmentally disabled persons.

HB 311, establishing a committee to review liability issues for commuter rail operations. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 394-FN, relative to notice to defendants in small claims actions. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Foster for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 188, excluding certain watercraft from the definition of ski craft. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator DeVries for the committee.

Transportation and Interstate Cooperation

May 2, 2007

2007-1447s

03/09

Amendment to HB 188

Amend the bill by replacing section 1 with the following:

1 Definitions; Ski Craft. Amend RSA 270:73, V to read as follows:

V. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device. ***"Ski craft" does not include any watercraft or boat with twin hulls and which is greater than 11 feet long, greater than 5 feet wide, and powered by an outboard motor.***

2007-1447s

AMENDED ANALYSIS

This bill excludes any watercraft with twin hulls and which is greater than 11 feet long, greater than 5 feet wide, and powered by an outboard motor from the definition of ski craft.

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 Roberge moved to have HB 71 removed from the table.

Adopted.

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.

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

Senator Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

May 3, 2007

2007-1449s

01/04

Floor Amendment to HB 71

Amend RSA 466:1-d as inserted by section 1 of the bill by replacing it with the following:

466:1-d Lists of Licensed Dog Owners.

I. Except as provided in paragraphs II and III and RSA 466:11 and RSA 466:14, no dog registration records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

II. Dog registration records, information, or lists may be made available pursuant to a court order or in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. The request shall be on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph, except as provided in RSA 466:13.

III. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected, or to a person or agency attempting to provide for the welfare of an animal.

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 Burling moved to have HB 566-FN-L removed from the table.

Adopted.

HB 566-FN-L, relative to the housing of inmates in county correctional facilities.

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

Adopted.

Ordered to third reading.

HB 247, allowing surviving spouses to retain temporarily special number plates for veterans. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Transportation and Interstate Cooperation

May 2, 2007

2007-1442s

03/10

Amendment to HB 247

Amend the bill by replacing section 1 with the following:

1 Special Number Plates for Veterans; Surviving Spouse. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. The director shall also issue such plates to any

person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, *except that the surviving spouse may use the plates for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75.*

Amendment adopted.

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

A roll call was requested by Senator Hassan.

Seconded by Senator DeVries.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HB 588-FN-L, relative to Cates Hill Road and Jericho Lake Road in the city of Berlin. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-1. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 714-FN, relative to motorized watercraft rental agencies. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

HB 753-FN-A, relative to the electronic toll collection transponder inventory fund. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 755-FN, relative to transfers of motor vehicle permits. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 4-1. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

HB 243, relative to a rabies immunization exemption. Wildlife, Fish and Game Committee. Ought to Pass, Vote 5-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SPECIAL ORDER

HB 604-FN, prohibiting the taking of deer from baited areas. Wildlife, Fish and Game Committee. Inexpedient to Legislate, Vote 3-1. Senator D'Allesandro for the committee.

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

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

A division vote was requested.

Yeas: 13 - Nays: 11

Committee report of inexpedient to legislate is adopted.

HB 629-FN, relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Kelly for the committee.

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

HB 32, establishing a commission to study voter registration cards.

HB 41, relative to human immunodeficiency virus education, prevention, and control.

HB 56, relative to the definition of agritourism.

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 86, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger.

HB 99, relative to the youth employment law.

HB 101, relative to annual training for members of the workers' compensation appeals board.

HB 117, creating an exception for the storage of black gunpowder by historical reenactors and certain non-profit entities.

HB 158, requiring insurance companies to allow covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary under certain circumstances.

HB 188, excluding certain watercraft from the definition of ski craft.

HB 189, relative to swim lines in public waters.

HB 207, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program.

HB 227, relative to identity theft.

HB 243, relative to a rabies immunization exemption.

HB 247, allowing surviving spouses to retain temporarily special number plates for veterans.

HB 311, establishing a committee to review liability issues for commuter rail operations.

HB 394-FN, relative to notice to defendants in small claims actions.

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

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

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

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

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

HB 566-FN-L, relative to the housing of inmates in county correctional facilities.

HB 571-FN, relative to full-time seasonal state employees.

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

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

HB 629-FN, relative to authorizing continued membership in the Manchester employees' contributory retirement system, and relative to the Nashua public works retirement system.

HB 636-FN, relative to physician credentialing under the managed care law.

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

HB 714-FN, relative to motorized watercraft rental agencies.

HB 727-FN, establishing a commission to study health insurance coverage in the construction industry.

HB 753-FN-A, relative to the electronic toll collection transponder inventory fund.

HB 790-FN, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

HB 889-FN, relative to securities regulation.

HB 921-FN, making technical changes in the insurance laws.

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

HJR 1, urging that more veterans' mental health counseling centers be established in New Hampshire and urging that funding be continued for the Manchester Veterans' Center.

ANNOUNCEMENTS

Senator Burling Rule #44.

Senator Gallus 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 committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and enrolled bill amendments.

Adopted.

In recess to the Call of the Chair.