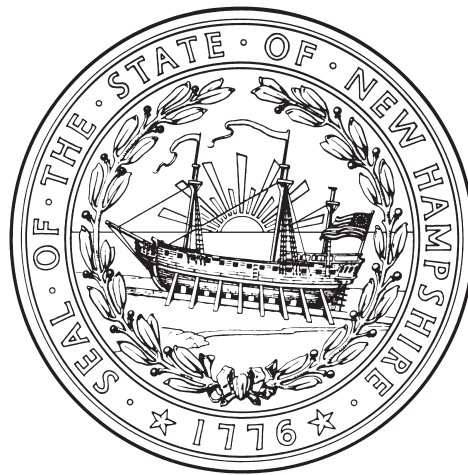


May 17, 2007
Nos. 16 - 17

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 10, 2007 SESSION
COMMENCEMENT – MAY 17, 2007 SESSION

SENATE JOURNAL 16 (*Cont.*)

May 10, 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 59, relative to crossbow hunting by a person with a disability.

HB 122, naming a bridge in the town of Henniker after Sergeant Russell M. Durgin.

HB 301, relative to nonresident registration of motor vehicles.

HB 309, relative to the uniform fine schedule for the fish and game department.

HB 458, relative to the exemption of replacement or redundant wells from the large groundwater withdrawal permitting process.

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 152, relative to public access to meeting minutes.

HB 153, relative to standards for bridge and highway construction.

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

HB 911-FN-L, establishing an automated external defibrillator advisory commission.

Senator D'Allesandro moved adoption.

Adopted.

May 7, 2007

2007-1489-EBA

05/09

Enrolled Bill Amendment to HB 153

The Committee on Enrolled Bills to which was referred HB 153

AN ACT relative to standards for bridge and highway construction.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 153

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 153

Amend RSA 21-L:12-b, III as inserted by section 1 of the bill by replacing line 2 with the following:

factor design (LRFD) specifications from the most current version of the applicable AASHTO manual listed

Adopted.

May 9, 2007
2007-1551-EBA
03/01

Enrolled Bill Amendment to HB 468

The Committee on Enrolled Bills to which was referred HB 468

AN ACT relative to establishing the freedom's way heritage area and commission.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 468

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 468

Amend RSA 217-B:1 as inserted by section 1 of the bill by replacing line 8 with the following:

in the manner they determine appropriate. It is the purpose of this chapter to provide a management

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 17

May 17, 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.

Bless, strengthen and comfort, O Lord, those whose hearts are broken this day and let us trust that life is never ended but always changed. And may we whose service continues, from this moment on ever remember the infinite value of every single life and the precious gift that each swift passing moment gives us to serve and to love and to be loved.

Amen

Senator Letourneau led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

SPECIAL ORDER

Senator Larsen moved that without objection HB 653 & HB 876 be Special Ordered to the Session on May 24, 2007.

HB 653, relative to the determination of benefits, funding, and administration 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 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 611, relative to payment of wages by automated pay card or cash voucher. 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 9, 2007

2007-1556s

06/09

Amendment to HB 611

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

AN ACT relative to payment of wages by automated pay card.

Amend RSA 275:42, VIII-IX as inserted by section 1 of the bill by replacing it with the following:

VIII. "Payroll card" means an access device issued and accepted by a financial institution to access funds from the employee's payroll card account.

IX. "Payroll card account" means an account directly or indirectly established by an employer on behalf of an employee to which electronic fund transfers of the employee's wages, salary, or other employee compensation are made on a recurring basis. A payroll card account does not include a savings account or a demand deposit account at a financial institution and shall be subject to Regulation E, 12 C.F.R. part 205. Disclosures, periodic statements, or alternatives to periodic statements; notices; error resolution procedures; and limitations on liability, with respect to payroll cards, shall be in accordance with the federal Electronic Fund Transfer Act, 15 U.S.C. section 1693 et seq., and its implementing regulation, Regulation E, 12 C.F.R. part 205.

Amend RSA 275:43, I(d)-(f) as inserted by section 2 of the bill by replacing it with the following:

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

~~[(d)]~~ (e) With checks on ~~[banks]~~ **a financial institution** convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b) ~~[or]~~, (c), **or (d)**, the employer shall offer employees the option of being paid as specified in **this** subparagraph ~~[(d)]~~, and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement~~;~~ adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

2007-1556s

AMENDED ANALYSIS

This bill permits an employer to use automated payroll cards provided the employee can withdraw his or her net pay from a bank or automated teller machine or other location convenient to the place of employment without any cost.

This bill is a request of the department of labor.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 782-FN, relative to reinsurance intermediaries and conduct of examinations. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Reynolds for the committee.

Commerce, Labor and Consumer Protection
May 3, 2007
2007-1467s
01/09

Amendment to HB 782-FN

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

AN ACT relative to reinsurance intermediaries, conduct of examinations, and certain business transfer tax credits.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 11:

9 Credit for Business Enterprise Tax. Amend RSA 400-A:34-a to read as follows:

400-A:34-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, III. Any insurer subject to taxation under this chapter shall first apply such credits as provided in this section, and then pursuant to RSA 77-A:5, X. The taxes paid pursuant to RSA 77-E by an individual member of a unitary business within the meaning of RSA 77-A:1, XIV shall be allowed as a credit against any other individual member's liability under this chapter, ***provided that such other member is also subject to the tax imposed by this chapter.*** To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under this chapter, such excess shall be deemed to be taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X.

10 High Risk Pool; Reference Change. Amend RSA 404-G:5-f, II to read as follows:

II. ~~[The following]~~ ***All the*** provisions of title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter, ***except for the following:*** ~~[RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9-415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, 420-G:8, 420-G:11, RSA 420H, RSA 420-I, and RSA 420-J:3.]~~ ***RSA 400-A:29, RSA 400-A:31 through 400-A:35, RSA 404-B, RSA 404-D, RSA 404-H, RSA 408-B, and RSA 420-K.*** For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

2007-1467s

AMENDED ANALYSIS

This bill clarifies the law governing reinsurance intermediaries.

This bill clarifies expenses for examination of companies.

This bill also allows the transfer of the business enterprise tax credit from one insurance affiliate to another insurance affiliate within the unitary business.

This bill is a request of the insurance department.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 147, relative to counting kindergarten pupils in charter school attendance. Education Committee. Inexpedient to Legislate, Vote 4-0. Senator Foster for the committee.

Committee report of inexpedient to legislate is adopted.

HB 213, relative to the availability of school nutrition program funds for charter school and nonpublic schools. Education Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 451-FN, relative to the application of non-state sources of funding to catastrophic special education costs. Education Committee. Inexpedient to Legislate, Vote 3-1. Senator Estabrook for the committee.

Committee report of inexpedient to legislate is adopted.

HB 556, relative to school emergency response plans. Education Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 135, establishing the second Sunday in October as Firefighters Memorial Day. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 191, relative to the authority to unseal ballots following a state election. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

HB 303, allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars. 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 9, 2007

2007-1546s

08/09

Amendment to HB 303

Amend the bill by replacing section 3 with the following:

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 523, relative to lobbyist registration and statements, and regulation of volunteer public service. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 3-1. Senator Burling for the committee.

Election Law and Internal Affairs

May 10, 2007

2007-1560s

10/04

Amendment to HB 523

Amend RSA 15:6, II as inserted by section 5 of the bill by replacing it with the following:

II. Lobbyists shall file statements no later than the second Friday of each ~~[month]~~ **January, April, July, and October** covering all fees received and expenditures~~[, contributions, honorariums,]~~ or expense reimbursements made ~~[during the previous month,]~~ **since the last required filing**, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer. **The first statement filed by persons who register as lobbyists pursuant to RSA 15:1, I(a)(3) shall cover all fees received and expenditures or expense reimbursements made from such fees received and funds provided during the 200 hours worked prior to registration.**

Amend the bill by replacing all after section 7 with the following:

8 Executive Branch; Code of Ethics; Appointee and Volunteer Service. RSA 21-G:25 is repealed and reenacted to read as follows:

21-G:25 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. Appointees and volunteers shall not use such public service, directly or indirectly:

I. For personal financial gain; or

II. To facilitate nonpublic 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.

9 Purpose; Financial Disclosure. The general court finds that many public spirited citizens perform volunteer service for the state each year under circumstances where their service does not create any appreciable opportunity to influence the setting of public policy, the expenditure of state funds, or the selection of vendors for the state. Recognizing that the purpose of financial disclosure is to ensure the public has access to information about the financial interests of those who act on the public's behalf when setting public policy, spending state funds, or choosing vendors to do work for the state, requiring volunteers who do not perform such actions to file statements of financial interests does not advance the purpose of the statute and may chill volunteerism. The general court intends to exempt from financial disclosure requirements those individuals who serve the state solely in a volunteer capacity and whose service does not afford any appreciable opportunity to influence public policy or spending, including but not limited to individuals who assist with search and rescue, teach hunter safety, work on recreational trails, or assist with the annual Easter egg hunt.

10 Financial Disclosure; Filing. Amend RSA 15-A:3 to read as follows:

15-A:3 Persons Required to File.

I. The following persons shall file a statement of financial interests as required by this chapter:

~~[F:]~~ **(a)** All candidates who file for state or county office.

~~[H:]~~ **(b)** All persons filing an acceptance of nomination form for state or county office.

~~[HH:]~~ **(c)** Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.

~~[IV:]~~ **(d)** All agency heads.

~~[V:]~~ **(e)** Any public official designated, due to the responsibilities of the position, by the agency head.

~~[VI:]~~ **(f)** The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.

~~[VII:]~~ **(g)** All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy; and

~~[VIII:]~~ **(h)** Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

II.(a) Any person who is otherwise subject to the filing requirements of paragraph I (h) shall be exempt from filing a statement of financial interests provided the head of the executive branch entity for whom the individual is volunteering certifies in a public register of volunteers, to be maintained by the secretary of state, that the volunteer's work for the state:

(1) Does not directly or indirectly influence the setting of public policy;

(2) Does not directly or indirectly influence decisions on how state funds will be expended; and

(3) Does not directly or indirectly influence the selection of vendors for the state.

(b) The secretary of state shall establish a public register of volunteers for the state that shall include the name and town or city of residence of the volunteer and the executive branch entity for whom the volunteer work is done. The name and residence of exempt volunteers shall not be listed for volunteers who provide service occurring at a single event that does not exceed one day in duration, provided the head of the executive branch entity accepting the volunteer service submits a brief description of the event and an estimate of the number of volunteers to the secretary of state for inclusion in the register.

(c) The head of any executive branch entity that accepts volunteer work shall cause a list of volunteers who qualify for this exemption to be certified to the secretary of state. An annual certification shall be submitted not later than the third Friday in January listing all exempt volunteers who are expected to volunteer during that calendar year. A certification shall be submitted no later than the third Friday of each month certifying all new exempt volunteers who started service with that entity during the previous month.

11 Executive Branch Volunteer List. Each head of an executive branch entity that accepts volunteer work shall cause a list of volunteers providing service to the state on the effective date of this act who qualify for the exemption set forth in RSA 15-A:3, II to be submitted to the secretary of state within 60 days of the effective date of this act.

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

2007-1560s

AMENDED ANALYSIS

This bill changes the registration requirements for lobbyists and the frequency and content of the statements required to be filed. The bill repeals the restriction on simultaneous employment and public service, and exempts certain appointed and volunteer service from the financial disclosure requirements. The bill also establishes an executive branch public register of volunteers.

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Burling, Dist. 5

May 16, 2007

2007-1664s

10/05

Floor Amendment to HB 523

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

(b) Each person described in subparagraphs (a)(1) and (2) shall register no later than 10 business days after engaging in the activities specified in paragraph II. Each person described in subparagraph (a)(3) shall register no later than 10 business days following completion of 200 hours of such work. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as a lobbyist.

Amend the bill by deleting section 2 and renumbering the original sections 3-12 to read as 2-11, respectively.

MOTION TO TABLE

Senator Foster moved to have HB 523 laid on the table.

Adopted.

LAI D ON THE TABLE

HB 523, relative to lobbyist registration and statements, and regulation of volunteer public service.

HB 61, designating segments of the Ammonoosuc River into the rivers management protection program. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

HB 144, relative to operation of boats on Spectacle Pond. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

HB 219, relative to the membership of the wetlands council. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 459, relative to the identification of wells and monitoring wells. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

Senators Gatsas and Letourneau are in opposition to HB 472-FN.

HB 648, establishing a commission to develop a comprehensive flood management plan. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Energy, Environment and Economic Development

May 9, 2007

2007-1547s

06/09

Amendment to HB 648

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

AN ACT establishing a commission to develop a comprehensive flood management plan and requiring a no wake order on Silver Lake at a certain water level.

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

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

(a) Four members of the house of representatives, including one member of the fish and game committee, one member of the environment and agriculture committee, one member of the resources, recreation and development committee, and one member of the science, technology and energy committee, appointed by the speaker of the house of representatives.

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

(c) One representative of the office of the governor, appointed by the governor.

(d) One member of the rivers management advisory committee, established in RSA 483:8, appointed by the committee.

(e) One member from the hydroelectric industry, appointed by the governor.

(f) One member of the New Hampshire Municipal Association, appointed by that organization.

(g) One member of the Nature Conservancy, appointed by that organization.

(h) One member of the Army Corps of Engineers, appointed by the Corps.

(i) The director of homeland security and emergency management of the department of safety, or designee.

(j) The commissioner of the department of environmental services, or designee.

(k) One member representing the New Hampshire water works association appointed by that organization or, if the association fails to appoint a member, a public water supplier appointed by the governor.

(l) The director of the governor's office of energy and planning, or designee.

(m) One public member representing agricultural land owners, appointed by the governor.

(n) One shorefront property owner, appointed by the governor.

(o) One hydrologist, appointed by the commissioner of the department of environmental services.

Amend the bill by replacing all after section 5 with the following:

6 New Section; Restrictions on Boating; Silver Lake. Amend RSA 270 by inserting after section 131 the following new section:

270:132 Silver Lake. The division of safety services shall institute a no wake order encompassing all of Silver Lake whenever the department of environmental services gauging station on Silver Lake measures 467.0 feet or more above sea level. The order shall remain in effect until the measure falls below 467.0 feet.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2008.

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

2007-1547s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to develop a comprehensive flood management plan.

II. Requires the division of safety services to institute a no wake order on Silver Lake at a certain water level.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 664-FN, relative to annual dam registration and permit application fees. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Energy, Environment, and Economic Development

May 9, 2007

2007-1545s

06/09

Amendment to HB 664-FN

Amend the bill by replacing section 1 with the following:

1 Dam Registration Fees Increased. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the department on January 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA 482:15. Yearly dam registration fees ***shall be*** based on ~~the following dam~~ classification ~~shall be~~ as follows: Low hazard potential = ~~[\$100]~~ **\$400**; Significant hazard potential = ~~[\$300]~~ **\$750**; High hazard potential = ~~[\$600]~~ **\$1,500. If the hazard classification designated by the Federal Energy Regulatory Commission for a dam differs from the classification designated by the department, the annual dam registration fees shall be based on the classification designated by the Federal Energy Regulatory Commission.** Revenues from this annual registration are to be collected by the department and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Letourneau is in opposition to HB 664-FN.

HB 907-FN, relative to the sale and distribution of certain mercury-added products. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Hassan for the committee.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Letourneau.

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 251, relative to the authority of the agricultural advisory board. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

HB 312-FN, relative to alternative providers for certain health services. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

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

Adopted.

Ordered to third reading.

HB 440-FN, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

HB 488-FN-A-L, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Downing for the committee.

Senate Executive Departments and Administration

May 8, 2007

2007-1499s

05/10

Amendment to HB 488-FN-A-LOCAL

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

AN ACT relative to the state chief medical examiner and medico-legal death investigations.

Amend RSA 611-B:18 as inserted by section 1 of the bill by replacing it with the following:

611-B:18 Retention and Disposal of Organs, Unidentified Remains, Body Fragments, and Body Fluids.

I. Except as provided in RSA 227-C:8-a through RSA 227-C:8-g, whenever unidentified human skeletal remains are recovered, the chief medical examiner may store the remains, release them to an educational institution, direct that they be interred in an appropriate resting place, or have them cremated in accordance with RSA 325-A. Ashes of remains cremated shall be disposed of in an appropriate manner. Human skeletal remains recovered in a cared-for cemetery shall not be subject to the provisions of this paragraph.

II. The chief medical examiner or a designated pathologist may retain body tissues or body fluids for evidence, further study, documentation, or research. Body tissue or body fluids retained for such purposes, or those which have been recovered after the body has been released from the custody of the medical examiner, may, unless claimed in writing by the person responsible for burial, be disposed of:

(a) According to the practices of the laboratory responsible for analysis;

(b) By the office of the chief medical examiner; or

(c) By the medical examiner or pathologist retaining those tissues or fluids.

III. The chief medical examiner may dispose of substantial body tissues that have been retained for evidence, further study, or documentation or that have been recovered after the rest of the body has been finally released, in accordance with paragraph I, unless claimed by the person responsible for burial.

Amend RSA 611-B:27-28 as inserted by section 1 of the bill by replacing them with the following:

611-B:27 Assistant Deputy Medical Examiner Accounts.

I. Assistant deputy medical examiners shall be paid at the following rates: telephone consultations - \$25; death investigations involving an external examination of the body - \$140, plus mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18 - \$50.

II. Assistant deputy medical examiners shall submit all claims for telephone consultation fees and death investigation fees and expenses to the office of the chief medical examiner, which shall authorize such claims and submit them for payment to the state treasurer, chargeable to the account of the chief medical examiner's office.

III. Assistant deputy medical examiners shall submit all claims for pre-cremation examination fees to the office of the chief medical examiner, which shall authorize such claims and submit them for payment to the state treasurer, chargeable to the medico-legal investigation fund established pursuant to RSA 611-B:28.

611-B:28 Medico-Legal Investigation Fund.

I. There is established in the office of the state treasurer a nonlapsing fund to be known as the medico-legal investigation fund, which shall be kept distinct and separate from all other funds. The medico-legal investigation fund is established to receive all fees paid to the state related to medico-legal investigations and reports, to pay fees due to assistant deputy medical examiners for investigations conducted, and the costs of recruitment, training, administration, and supervision of assistant deputy medical examiners.

II. The treasurer shall deposit in the medico-legal investigation fund all fees collected by the department of justice, office of the chief medical examiner pursuant to RSA 611-B. The treasurer shall also deposit in the medico-legal investigation fund such other funds received under state or federal law, or donated to the state by private parties, for the purposes related to medico-legal investigations, the recruitment, training, administration, and supervision of assistant deputy medical examiners, and related technology projects and improvements, and the treasurer shall credit any interest or income earned on moneys on deposit to the fund.

III. The attorney general is authorized to accept, budget, and expend moneys in the medico-legal investigation fund received from any party without the approval of the governor and council for the purposes of paying fees due by law to assistant deputy medical examiners, and for recruitment, training, administration, and supervision of assistant deputy medical examiners and related information technology.

IV. All moneys in the medico-legal investigation fund shall be continually appropriated to the department of justice and shall not lapse.

V. The treasurer, upon approval of the attorney general, shall pay assistant deputy medical examiners fees to which they are entitled by law, the expenses of recruiting, training, administering and supervising assistant deputy medical examiners, and the expenses of related information technology.

VI. The attorney general shall include the medico-legal investigation fund in the department budget submitted pursuant to RSA 9:4.

Amend the bill by deleting sections 17 and 18 and renumbering the original sections 19-20 to read as 17-18, respectively.

2007-1499s

AMENDED ANALYSIS

This bill repeals RSA 611, relative to medical examiners, and RSA 611-A, relative to the office of chief medical examiner, and recodifies the responsibilities of the office of the chief medical examiner and the procedure for medico-legal death investigations in one new chapter, RSA 611-B.

Amendment failed.

The question is on the adoption of the motion of ought to pass.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 718-FN, establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contracting with private entities for delivery of public services. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

May 10, 2007

2007-1561s

05/09

Amendment to HB 718-FN

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

AN ACT establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contracting with private entities for delivery of public services.

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

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

2007-1561s

AMENDED ANALYSIS

This bill establishes a committee to study the cost, quality, accountability, and oversight standards used by the state when contracting with private entities for delivery of public services.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 926-FN, relative to the regulation of pharmacies and pharmacists. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Janeway for the committee.

Health and Human Services

May 2, 2007

2007-1433s

10/01

Amendment to HB 926-FN

Amend RSA 318:5-a, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Procedures for the use, documentation, security, maintenance, and monitoring of automated pharmacy systems, *including the placement of automated pharmacy systems in long-term care facilities, hospices, and state or county correctional institutions, for the purposes of storage and dispensing of controlled and non-controlled prescription drugs.*

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-13 to read as 10-14, respectively:

9 Possessing Prescription Drugs. Amend RSA 318:42, I to read as follows:

I. Persons from possessing prescription drugs dispensed to them pursuant to a lawful prescription *or who are acting as an authorized agent for a person holding a lawful prescription. For purposes of this section, an authorized agent shall mean any person, including but not limited to a family member or caregiver, who has the intent to deliver the prescription drug to the person to whom the prescription drugs are lawfully prescribed.*

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 218, relative to chief firewards, engineers, or fire chiefs. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 3-0. Senator DeVries for the committee.

Public and Municipal Affairs
May 9, 2007
2007-1535s
06/01

Amendment to HB 218

Amend the bill by replacing section 1 with the following:

1 Chief Fireward, Engineer, or Fire Chief. Amend RSA 154:5 to read as follows:

154:5 Chief Fireward, Engineer, or Fire Chief.

I. The chief fireward, engineer or fire chief ***who is appointed, rather than elected*** in any town, village district, precinct, city or area ~~[which has adopted the provisions of this section,]~~ shall be appointed for an indefinite period of time or for a definite term, as determined by the legislative body, and the tenure of office shall depend upon good conduct and efficiency. The chief fireward, engineer or fire chief shall be technically qualified by training or experience and shall have ability to command firefighters and hold their respect and confidence. ~~[Any town may adopt the provisions of paragraphs I and II at any annual meeting by an article in the warrant calling for such action.]~~

II. Subject to such written formal policies as may be adopted by the appointing authority, each chief fireward, engineer, or fire chief of any city or town who is appointed rather than elected, shall have authority to direct and control all employees of his or her department in their normal course of duty and shall be responsible for the efficient and economical use of all department equipment. Such chief fireward, engineer, or fire chief shall be subject to suspension without pay or dismissal only for cause, and after he or she has been presented with a written specification of the reasons. Upon such suspension or dismissal, the chief fireward, engineer, or fire chief shall be entitled to a hearing, on the merits and reasonableness of the action, in superior court in the county in which the municipality is located, provided that the chief fireward, engineer, or fire chief petitions the clerk of the superior court for such a hearing within ~~[10]~~ **45** days of suspension or dismissal. The court shall have the power to affirm, modify or negate such suspension or dismissal, based upon its findings.

2007-1535s

AMENDED ANALYSIS

This bill applies provisions pertaining to the appointment of firewards, engineers, or fire chiefs to towns, village districts, precincts, cities, or areas.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 226, relative to the investment of trust funds. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 3-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23
April 27, 2007
2007-1360s
08/09

Amendment to HB 226

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

1 Investment Policy. Amend RSA 31:25 to read as follows:

31:25 Custody; Investment. The trustees shall have the custody of all trust funds held by their town. ***Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 386:57, shall be eligible to be pledged as collateral.*** The funds shall be invested only in deposits in any federally or state-chartered bank or association autho-

rized to engage in a banking business in this state, or in deposits in any credit union in this state, ~~[or in bonds, notes or other obligations of the United States government,]~~ or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by any bank or association chartered by this state to engage in a banking business; and in participation units in the public deposit investment pool established pursuant to RSA 383:22; ***or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** Deposits in a federally or state-chartered bank or association or credit union shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. ~~[Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 386:57, shall be eligible to be pledged as collateral.]~~ Shares of ~~[open ended]~~ mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with ~~[RSA 35:9]~~ ***this chapter***, and when so invested, the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody ***in conformance with the provisions of applicable statutes.*** Such investment policy shall be reviewed and confirmed at least annually. ***A copy of the investment policy shall be filed with the attorney general.***

2 Investment; Investment Policy. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state or ~~[in bonds, notes or other obligations of the United States government,]~~ in bonds or notes of this state, in such stocks and bonds as are legal for investment by New Hampshire savings banks, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, ~~[and]~~ ***or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** When so invested in good faith the trustees hereinafter named shall not be liable for the loss ~~[thereof]~~ ***of such moneys.*** Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. ~~[At least yearly, the trustees of trust funds shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.]~~ ***The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.***

3 Investment; Investment Policy Added. Amend RSA 35:9 to read as follows:

35:9 Investment. The moneys in each such fund shall be kept in a separate account and not intermingled with other funds of said municipality. Said capital reserve fund shall be invested only in deposits in any fed-

erally or state-chartered bank or association authorized to engage in a banking business in this state, ~~[or in bonds, notes or other obligations of the United States government,]~~ or in bonds or notes of this state, in such stocks and bonds as are legal for investment by banks and associations chartered by this state to engage in a banking business, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, ***or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.*** When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in federally or state-chartered banks and associations shall be made in the name of the town, district or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. ~~[At least yearly, the governing body of the town, school district, village district, or county shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.]~~ ***The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.***

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

2007-1360s

AMENDED ANALYSIS

This bill:

I. Clarifies the discretion of trustees of trust funds to invest in certain mutual funds if they conform to the trustee's investment policy, adopted for trust funds.

II. Allows trustees to invest funds in obligations with principal and interest fully guaranteed by the United States government.

III. Requires the trustees to adopt an investment policy for capital reserve funds and to file the policy with the attorney general.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on HB 226.

HB 256, relative to the duties and powers of town treasurers. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 3-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23

April 27, 2007

2007-1358s

06/09

Amendment to HB 256

Amend RSA 41:29, IV as inserted by section 3 of the bill by replacing it with the following:

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall~~[-with the approval of the selectmen,]~~ invest the same in obligations of the United States government, in ***accordance with the investment policy adopted by the***

selectmen under RSA 41:9, VII. The treasurer may invest in the public deposit investment pool established pursuant to RSA 383:22, in [savings bank] deposits [of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the selectmen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.], including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

Amend RSA 48:16, III as inserted by section 7 of the bill by replacing it with the following:

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall~~[], with the approval of the mayor and a majority of the city council,]~~ invest the same in ***accordance with the investment policy adopted by the mayor and board of aldermen or city council under RSA 47:6, II. The treasurer may invest in*** obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in ~~[savings bank] deposits [of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.],~~ ***including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.***

MOTION TO TABLE

Senator Hassan moved to have HB 256 laid on the table.

Adopted.

LAID ON THE TABLE

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

Senator Foster Rule #42 on HB 256.

SPECIAL ORDER

Senator Larsen moved to Special Order without objection HB 293 to the end of the Calendar.

HB 293, allowing municipalities to establish agricultural commissions. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

HB 379, relative to the adoption, revision, and amendment of municipal charters. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Hassan for the committee.

Adopted.

HB 379 is re-referred to the Public and Municipal Affairs Committee.

HB 418, relative to RV friendly highway signs. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

Senator Hassan in the Chair.

HB 466-L, relative to removal of vehicles from state park and ride lots. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Sen. Burling, Dist. 5
April 23, 2007
2007-1302s
06/04

Amendment to HB 466-LOCAL

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

AN ACT relative to removing abandoned vehicles and moving improperly parked vehicles in state park and ride lots.

Amend RSA 262:40-a as inserted by section 1 of the bill by replacing it with the following:

262:40-a Vehicles Removed From Private ***and State*** Property; Conspicuous Notice in Parking Lots and Garages.

I. The owner or person in lawful possession of any private property ***or the manager of a state-owned park and ride lot*** on which a vehicle is parked without ~~[his or her]~~ permission or is apparently abandoned may:

(a) Cause the removal of the vehicle in a reasonable manner provided he or she gives notice of such removal to a peace officer as soon as reasonably possible; or

(b) Notify a peace officer that he or she wishes to have such a vehicle removed from the property, whereupon the peace officer or another authorized official shall cause the removal of such vehicle pursuant to the removal, impoundment, and notice procedures required by this subdivision.

II. The department of transportation shall give authorized persons permission to remove vehicles which are abandoned, as described in RSA 262:32, at state-owned park and rides.

III. The department of transportation shall give authorized persons permission to move any vehicle within a state-owned park and ride lot when such vehicle is improperly parked in a bus storage or travel lane which is properly marked. The owner of the vehicle shall be responsible for the costs of moving the vehicle.

~~[H:]~~ **IV.** The costs of removing a vehicle under this section, including towing costs, shall, consistent with RSA 262:35-a, be the responsibility of the last registered owner according to department records. If a vehicle is towed from a parking lot or parking garage, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted in the parking lot or parking garage conspicuous notice that illegally parked vehicles are subject to towing at the owner's expense.

~~[H:]~~ **V.** Any police department which receives a request to have a vehicle removed or receives notice of a removal as provided in this section shall maintain a log of such requests and notices.

2007-1302s

AMENDED ANALYSIS

This bill:

I. Allows removal of abandoned vehicles from state park and ride lots.

II. Allows authorized persons to move improperly parked vehicles in state park and ride lots.

III. Is a request of the department of transportation.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 547-FN, relative to the inspection of trucks. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 659-FN, exempting certain motor vehicles manufactured prior to 1941 from vehicle equipment and inspection requirements. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Transportation and Interstate Cooperation
May 10, 2007
2007-1565s
03/04

Amendment to HB 659-FN

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

AN ACT exempting certain motor vehicles manufactured prior to 1948 from vehicle equipment and inspection requirements.

Amend the bill by replacing section 1 with the following:

1 New Section; Equipment of Vehicles; Motor Vehicles Manufactured Prior to 1948. Amend RSA 266 by inserting after section 62 the following new section:

266:62-a Motor Vehicles Manufactured Prior to 1948. Any motor vehicle whose model year is prior to the year 1948 shall be exempt from all motor vehicle equipment and inspection requirements if the motor vehicle is equipped as it was manufactured or in accordance with the motor vehicle's original equipment specifications.

2007-1565s

AMENDED ANALYSIS

This bill exempts motor vehicles manufactured prior to 1948 from vehicle equipment and inspection requirements if the vehicles are equipped as manufactured or in accordance with the vehicle's original equipment specifications.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 705, relative to the disposal of highway or turnpike funded real estate. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 918-FN, relative to motor vehicle registrations for manufacturers. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 142, relative to the sale of out-of-state animals. Wildlife, Fish and Game Committee. Ought to pass with amendment, Vote 5-0. Senator D'Allesandro for the committee.

Wildlife, Fish and Game

May 3, 2007

2007-1457s

08/09

Amendment to HB 142

Amend RSA 437:13-a, IV as inserted by section 3 of the bill by replacing it with the following:

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring cats except that all cats transferred out of an animal shelter facility shall have a form of positive identification, including but

not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and shall be vaccinated against rabies in accordance with RSA 436, ***and shall be accompanied by an official health certificate if the cat was imported into the state for transfer with or without a fee.***

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails. Wildlife, Fish and Game Committee. Ought to pass with amendment, Vote 5-0. Senator Janeway for the committee.

Wildlife, Fish and Game

May 3, 2007

2007-1458s

08/09

Amendment to HB 898

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

1 New Paragraphs; Definitions. Amend RSA 215-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Mushing" means the activity of using sled dogs to pull motorized or non-motorized devices.

XXII. "Sled dogs" means teams of dogs driven by a person or persons pulling sleds, a skier, wheeled rigs, and other motorized and non-motorized devices used to train or control the teams.

2 Use of Statewide Trail System; Mushing Added. Amend RSA 216-F:2, I to read as follows:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, ***mushing***, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails. ***Use of motorized devices by mushers shall be limited to trails designated as appropriate for motorized use.***

3 Multi-Use Statewide Trail System; Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, for the purposes of advising the director of parks and recreation on matters related to the New Hampshire statewide trail system. The members shall equally represent the different trail interests involved and the general public. This committee shall include, but not be limited to, representation from the following: the bureau of trails; department of fish and game; office of energy and planning; department of transportation; governor's commission on disability; New Hampshire Snowmobile Association; a representative of Granite State ATV Association; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; the New Hampshire Heritage Trail; the New Hampshire Farm Bureau Federation; the New Hampshire Horse Council, Inc.; ***the New Hampshire Mushers Association***; a representative of landowners; and the bicycle trail coordinator from the department of transportation.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Hassan moved to have HB 256 removed from the table.

Adopted.

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

The question is on the adoption of the committee amendment (#1358).

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 16, 2007

2007-1668s

06/09

Floor Amendment to HB 256

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

AN ACT relative to the duties and powers of town treasurers and the notification of a vote taken by the town of Barrington.

Amend RSA 41:29, IV as inserted by section 3 of the bill by replacing it with the following:

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall~~[], with the approval of the selectmen,~~ invest the same ~~[in obligations of the United States government,]~~ **in accordance with the investment policy adopted by the selectmen under RSA 41:9, VII. The treasurer may invest in** the public deposit investment pool established pursuant to RSA 383:22, in ~~[savings bank] deposits [of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the selectmen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes,]~~ **including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.**

Amend RSA 48:16, III as inserted by section 7 of the bill by replacing it with the following:

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall~~[], with the approval of the mayor and a majority of the city council,~~ invest the same **in accordance with the investment policy adopted by the mayor and board of aldermen or city council under RSA 47:6, II. The treasurer may invest** ~~[obligations of the United States government,]~~ in participation units in the public deposit investment pool established pursuant to RSA 383:22, in ~~[savings bank] deposits [of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits and repurchase agreements of banks incorporated under the laws of the state of New Hampshire or in banks recognized by the state treasurer. At least yearly, the city council or board of aldermen shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes,]~~ **including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.**

Amend the bill by replacing all after section 8 with the following:

9 Bond Warrant Article Legalized. The vote taken by the town of Barrington under article 4 at its March 8, 2005 annual town meeting, by which the town approved bond financing for the purpose of acquiring conservation easements or open space land, or both, by more than the required 3/5 vote, is hereby legalized, ratified, and confirmed, regardless of the fact that the town did not hold a public hearing on the bonds, as required by RSA 33:8-a, I.

10 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

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

2007-1668s**AMENDED ANALYSIS**

This bill:

I. Clarifies the duties and powers of town treasurer.

II. Ratifies a vote taken by the town of Barrington.

Senator Clegg moved to divide the question.

The Chair ruled the question divisible.

The question is on the adoption of sections 3 & 7.

Adopted.

The question is on the adoption of section 9.

Motion failed.

The question is on the adoption of section 10.

Adopted.

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

Adopted.

Ordered to third reading.

SPECIAL ORDER

HB 293, allowing municipalities to establish agricultural commissions. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 8, 2007

2007-1525s

08/09

Amendment to HB 293

Amend RSA 673:4-b, II as inserted by section 3 of the bill by replacing it with the following:

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. A majority of the members shall be or shall have been actively engaged in agriculture. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the agricultural commission.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 17, 2007

2007-1707s

09/01

Floor Amendment to HB 293

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

AN ACT allowing municipalities to establish agricultural commissions and relative to the ratification of a vote taken by the town of Barrington.

Amend the bill by replacing all after section 9 with the following:

10 Bond Warrant Article Legalized. The vote taken by the town of Barrington under article 4 at its March 8, 2005 annual town meeting, by which the town approved bond financing for the purpose of ac-

quiring conservation easements or open space land, or both, by more than the required 3/5 vote, is hereby legalized, ratified, and confirmed, regardless of the fact that the town did not hold a public hearing on the bonds, as required by RSA 33:8-a, I.

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

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

2007-1707s

AMENDED ANALYSIS

This bill allows municipalities to establish agricultural commissions.

This bill also ratifies a vote taken by the town of Barrington.

Senator Letourneau moved the question.

Without objection Senator Larsen moved to close debate.

Floor amendment is adopted.

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

Adopted.

Ordered to third reading.

Senator Bragdon is in favor of HB 293.

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 61, designating segments of the Ammonoosuc River into the rivers management protection program.

HB 135, establishing the second Sunday in October as Firefighters Memorial Day.

HB 142, relative to the sale of out-of-state animals.

HB 144, relative to operation of boats on Spectacle Pond.

HB 191, relative to the authority to unseal ballots following a state election.

HB 213, relative to the availability of school nutrition program funds for charter school and nonpublic schools.

HB 218, relative to chief firewards, engineers, or fire chiefs.

HB 219, relative to the membership of the wetlands council.

HB 226, relative to the investment of trust funds.

HB 251, relative to the authority of the agricultural advisory board.

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

HB 293, allowing municipalities to establish agricultural commissions.

HB 303, allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.

HB 312-FN, relative to alternative providers for certain health services.

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

HB 418, relative to RV friendly highway signs.

HB 440-FN, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

HB 459, relative to the identification of wells and monitoring wells.

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

HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements.

HB 547-FN, relative to the inspection of trucks.

HB 556, relative to school emergency response plans.

HB 611, relative to payment of wages by automated pay card or cash voucher.

HB 648, establishing a commission to develop a comprehensive flood management plan.

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

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

HB 718-FN, establishing a committee to study the cost, quality, accountability and oversight standards used by the state when contacting with private entities for delivery of public services.

HB 782-FN, relative to reinsurance intermediaries and conduct of examinations.

HB 859, relative to the definitions of agriculture and farming in the motor vehicle laws.

HB 898, relative to the use of sled dogs and the training of sled dogs on state trails.

HB 907-FN, relative to the sale and distribution of certain mercury-added products.

HB 918-FN, relative to motor vehicle registrations for manufacturers.

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

ANNOUNCEMENTS

Senator Barnes 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 committees, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and enrolled bill amendments.

Adopted.

In recess to the Call of the Chair.