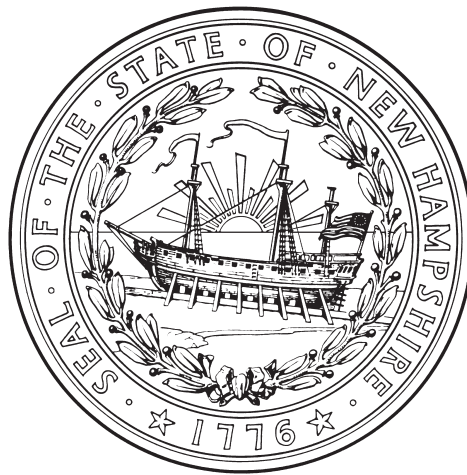


May 24, 2007
Nos. 17 - 18

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 17, 2007 SESSION
COMMENCEMENT – MAY 24, 2007 SESSION

SENATE JOURNAL 17 (Cont.)

May 17, 2007

JOURNAL #10 CORRECTION FROM MARCH 29, 2007

SB 79-FN-A, relative to court security and court security officers. Finance Committee. Re-refer to committee, Vote 6-0. Senator Odell for the committee.

Senator Burling Rule #42 on SB 79.

Adopted.

SB 79-FN-A is re-referred to the Finance Committee.

JOURNAL #17 CORRECTION FROM MAY 17, 2007

SPECIAL ORDER

Senator Larsen moved that without objection HB 653 & HB 876-FN-L 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.

Senator Roberge Rule #42 on HB 653.

Senator Downing Rule #42 on HB 653.

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.

Senator Downing Rule #42 on HB 876-FN-L.

May 18, 2007

2007-1708-EBA

04/01

Enrolled Bill Amendment to HB 889-FN

The Committee on Enrolled Bills to which was referred HB 889-FN

AN ACT relative to securities regulation.

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 889-FN

This enrolled bill amendment makes certain technical changes to the bill.

Enrolled Bill Amendment to HB 889-FN

Amend line 2 of RSA 421-B:2, IV-a(a)(2) as inserted by section 3 of the bill by replacing it with the following:
in paragraph II, regularly conducts the business of effecting any transactions in, or inducing

Amend line 1 of RSA 421-B:2, IV-a(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Notwithstanding the exclusions provided in subparagraph IV-a(a)(2), any location that

Amend line 2 of RSA 421-B:7, VII(d)(2)(D) as inserted by section 7 of the bill by replacing it with the following:

investment advisory contract with a client, the investment adviser will obtain from such

Adopted.

HOUSE MESSAGE

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

SB 28, redefining the “board of the public employer for the judiciary” in public employee collective bargaining.

SB 40, relative to the modular building code.

SB 50, relative to the membership of the state veterans’ advisory committee and authorizing the state veterans council to accept certain donations and bequests.

SB 65-FN, requiring that the state provide 21 days’ written notice to the defendant prior to jury selection for his or her trial of the state’s request for an extended term of imprisonment.

SB 80, relative to qualified minor’s trusts.

SB 87, making technical corrections to certain lottery commission provisions.

SB 99, relative to the terms for payment in lieu of taxes for renewable generation facilities.

SB 100, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute.

SB 104, relative to the directory of charitable trusts.

SB 105, repealing the bond requirement for fund raising counsel of a charitable trust.

SB 108, making technical corrections to the probate laws.

SB 124, changing the membership of the economic development matching grants screening committee.

SB 132-FN, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses.

SB 136, relative to the attorney general’s authority to appoint, organize, and assign investigatory personnel at the department of justice.

SB 145-FN, allowing marital masters and registers and deputy registers of probate to perform notarial acts.

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

SB 193, relative to adjustments to the child support guidelines under special circumstances.

SB 194, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation.

SB 195-FN, relative to unemployment benefits for persons needed to care for family members who are disabled.

SB 221, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial.

SB 234-FN, relative to privileges, benefits, and immunities for national guard members.

SB 261, naming the state law library the John W. King law library.

SCR 2, urging Congress to amend the No Child Left Behind Act.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill sent down from the Senate:

SB 73-FN-A, relative to lottery prizes and administration by the lottery commission.

HOUSE MESSAGE

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

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

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 103, establishing a commission to study the state highway trust fund and relative to the classification of certain roads in the city of Berlin and the town of Hooksett.

HB 126, relative to the definition of “school.”

HB 217, establishing a committee to study the New Hampshire park and ride program.

HB 227, relative to identity theft.

HB 249, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.

HB 292, relative to consideration of the preference of a mature minor in the modification of parental rights and responsibilities.

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

HB 542, 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.

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

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

HOUSE MESSAGE

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

SB 72-L, relative to standards for public school approval.

SB 126-FN-A, relative to motor vehicle fines.

SB 148-FN, relative to retirement system status for members of the university system police force.

SB 155, relative to insurance coverage for chiropractic services.

SB 167-FN, relative to the licensure of medical assistants by the board of nursing.

SB 175-FN-A, establishing an apprentice hunting license.

SB 180, relative to local regulation of persons soliciting contributions on streets.

SB 186-FN, establishing a committee to study a state elderly homeowner property tax credit.

SB 232-FN, relative to profits from the prison industries program.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 18

May 24, 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.

Fill us with wonder and awareness this day, Great God, of the fact that You have downloaded onto the hard drives of our lives the indelible imprint of love. May that reality control every program that we run. Amen

Senator D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS SPECIAL ORDER

Senator Larsen moved that without objection HB 663-FN-A be Special Ordered to the Session on June 7, 2007.

HB 663-FN-A, relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 3-0. Senator Cilley for the committee.

Senator Gottesman Rule #42 on HB 663-FN-A.

SPECIAL ORDER

Senator Larsen moved that without objection HB 38 be Special Ordered to the Session on May 31, 2007.

HB 38, relative to terms of appointment for certain state officers. Executive Departments and Administration Committee. Ought to Pass, Vote 3-1. Senator Burling for the committee.

COMMITTEE REPORTS SPECIAL ORDER

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.

Senate Executive Departments and Administration

May 14, 2007

2007-1631s

10/05

Amendment to HB 653-FN

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

1 Gender Neutral; Definition; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean the average annual earnable compensation of a member during his *or her* highest 3 years of creditable service, or during all of the years in his *or her* creditable service if less than 3 years.

2 New Section; Maximum Benefit Amount. Amend RSA 100-A by inserting after section 6 the following new section:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, any member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. This provision shall not limit the application of supplemental allowances under RSA 100A: 41-a.

3 Board of Trustees; Local Government Member Added. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[13]~~ **14** trustees. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a term of one year. The remaining ~~[10]~~ **11** members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who ~~[serves on the insurance committee and who]~~ shall be appointed annually by the senate president, ~~[and]~~ one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, **and one person representing management in local government**. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, ~~[and]~~ the New Hampshire state permanent firemen's association, **and the New Hampshire Local Government Center** shall each annually nominate from their members a panel of 5 persons, all of whom **except for the panel of the Local Government Center** shall be active members of the retirement system, or one

of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall ~~[originally]~~ appoint ~~[2 persons, and thereafter]~~ one **person** annually to the board, **except for the panel of the Local Government Center, which shall have one person appointed every 2 years**. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years~~;~~ ~~except that the original appointments of one of the persons from each panel shall be for a term of one year~~. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

4 Board of Trustees; Quorum. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee shall be entitled to one vote in the board of trustees. ~~[Six]~~ **Seven** trustees shall constitute a quorum for the transaction of any business. ~~[Six]~~ **Seven** votes shall be necessary for any resolution or action by the board at any meeting.

5 Method of Financing. Amend the introductory paragraph of RSA 100-A:16 to read as follows:

100-A:16 Method of Financing. All of the assets of the retirement system shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. Each of the funds shall be subdivided on account of the various member classifications. In making the determinations required under this section for financing the retirement system, the board of trustees shall use the ~~[open group aggregate]~~ **entry age normal** funding methodology. The board of trustees shall direct the system's actuary to prepare biennial valuations of the system's assets and liabilities commencing with the valuation prepared as of June 30, ~~[1991]~~ **2007**. Such biennial valuation shall be the ~~[sole]~~ basis for determining the annual contribution requirements of the system until the next following biennial valuation.

6 Gender Neutral. Amend RSA 100-A:16, I(d) to read as follows:

(d) The accumulated contributions of a member withdrawn by ~~[him]~~ **the member**, or paid to his **or her** estate or ~~[to his or her]~~ designated beneficiary in event of his **or her** death in service, shall be paid from the member annuity savings fund. Upon the retirement of a member, his **or her** accumulated contributions shall be transferred from the member annuity savings fund to the state annuity accumulation fund.

7 Method of Funding; Unfunded Accrued Liability. Amend RSA 100-A:16, II(e) to read as follows:

(e) Immediately following the actuarial valuation prepared as of June 30~~, 1968]~~ **of each fiscal year**, the board shall have an actuary determine the amount of the unfunded accrued liability for each member classification as the amount of the total liabilities of the state annuity accumulation fund on account of such classification which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund on account of such classification, and the aforesaid normal contributions to be made on account of the members in such classification during the remainder of their active service. The amount so determined with respect to each member classification shall be known as the "unfunded accrued liability" with respect to such classification. On the basis of each such unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from June 30, 1968]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less**.

8 Method of Funding; Special Account; Normal Contribution Rate. Amend RSA 100-A:16, II(h) and (i) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. Beginning July 1, 2003, the special account shall be subdivided into components representing the 4 retirement system member classifications, as defined in RSA 100-A:1, with each component subdivided proportionally between employees of the state and employees of the political subdivisions of the state. The balance of the special account attributed to each component as of June 30, 2003 shall be subdivided between state and political subdivision classifications based upon the actuarial liabilities of the member and retiree groups. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) ***If the actuary determines that the funded ratio of the consolidated retirement system as of June 30 of any given year is equal to or greater than 85 percent, then*** all of the earnings of the remaining assets of the retirement system which are in excess of ~~[the assumed rate of return plus 1/2 of one]~~ ***10 and one-half*** percent ~~[added to such rate]~~ shall be allocated to the 4 member classifications. The assumed rate of return shall be determined by the board of trustees.

(3) Any funds held in special reserve as of June 30, 1996, shall be transferred to the respective component of the special account according to the following schedule:

(i) One-half of the funds held in special reserve as of June 30, 1996.

(ii) One-half of the remaining funds as of June 30, 1997, plus earnings from July 1, 1996 to June 30, 1997.

(iii) All remaining funds as of June 30, 1998, plus earnings from July 1, 1997, to June 30, 1998.

(4) [Repealed.]

(5) None of the assets held in the special account shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b)[,] **and** (c) ~~[and (d)]~~.

(6) [Repealed.]

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a and, second, ~~[to the extent that funds may be available in the special account in excess of a 3-year 5 percent COLA reserve,]~~ to provide additional benefits ***in accordance with RSA 100-A:50 through RSA 100-A:55*** to retired members and beneficiaries of the retirement system with the specific approval of the appropriate policy committees and approval of the general court. ~~[Nothing in this section shall preclude the appropriate legislative policy committees and the general court from adopting legislation that provides additional benefits in the event that the special account does not contain a 3-year, 5 percent COLA reserve.]~~

(i) If the actuarially determined normal contribution rate as set forth in subparagraphs (b)[,] **and** (c) ~~[, and (d)]~~ on account of any of the various member classifications shall be negative in any fiscal year, then the excess amount resulting from the difference between zero and the negative actuarially determined normal contribution rate shall be used to reduce the employee contribution rate for that member classification in that fiscal year.

9 Supplemental Allowance for 2007.

I. Notwithstanding the provisions of RSA 100-A:41-a, any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall receive a supplemental allowance, or COLA, for 2007 on the retired member's latest anniversary date. The amount of such supplemental allowance for 2007 shall be 2 ½ percent.

II. The supplemental allowance granted by this section shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, 100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions, or similar provisions of predecessor systems.

III. Terminal funding of the supplemental allowance shall be from the special account established under RSA 100-A:16, II(h).

10 Repeal. The following are repealed:

I. RSA 100-A:4, VII, relative to purchase of nonqualified service credit.

II. RSA 100-A:16, II(d) relative to the procedure for determining contribution rates.

11 Effective Date. This act shall take effect June 30, 2007.

2007-1631s**AMENDED ANALYSIS**

This bill:

- I. Adds a local government member to the board of trustees.
- II. Changes the procedure for calculating and financing benefits.
- III. Repeals the authority for nonqualified service credit.
- IV. Grants a 2 ½ percent COLA for 2007.

Senator Sgambati Rule #42 on HB 653.**Senator Downing Rule #42 on HB 653.****Senator Roberge Rule #42 on HB 653.****Senator DeVries Rule #42 on HB 653.****Amendment adopted.****Senator Clegg offered a floor amendment.****Sen. Clegg, Dist. 14****May 23, 2007****2007-1784s****10/01****Floor Amendment to HB 653**

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-11 to read as 10-12, respectively:

9 Withdrawal of Employers; Liability. Amend RSA 100-A:43 to read as follows:

100-A:43 Withdrawal Authorized. Notwithstanding any governing board, or authority which, pursuant to RSA 100:29 or 30, RSA 100:49 or 50 or any governing board or authority which, pursuant to RSA 100-A:20 or RSA 100-A:29 or 30, elected to have its officers and employees become eligible to participate under the respective systems, such officers and employees are hereby authorized to withdraw from the retirement system on the next anniversary date of their participation provided notice is filed with the board of trustees, on a form prescribed by the board, no less than 120 days prior to the withdrawal date. The right of an employer to withdraw from the retirement system under this section shall be subject to the condition that prior to withdrawal, the employer shall present to the board of trustees a certified report from an enrolled actuary which states that the alternative benefits which shall be provided to its employees shall be at least equal to the benefits which the employees currently receive from the retirement system; provided, however, that an employer which has an established unfunded accrued liability at the time which it elects to withdraw from the retirement system under this section, and whose officers and employees have elected to and are receiving retirement benefits or have filed for a vested deferred retirement allowance, shall pay the balance of the unfunded accrued liability on a prorated basis, ***and the employer's share of the retirement system's consolidated liabilities for a 100 percent funded ratio***, as determined by the retirement system actuary for any such officers or employees.

2007-1784s**AMENDED ANALYSIS**

This bill changes the procedure for calculating contribution rates and for determining cost-of-living adjustments. The bill repeals the authority for nonqualified service credit and adds a local government member to the board of trustees. The bill also requires a withdrawing employer to pay its share of unfunded retirement system consolidated liabilities.

The question is on the adoption of the floor amendment.**A roll call was requested by Senator Barnes.****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, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 10 - Nays: 13

Senator Sgambati Rule #42 on HB 653.

Senator Downing Rule #42 on HB 653.

Senator Roberge Rule #42 on HB 653.

Senator DeVries Rule #42 on HB 653.

Floor amendment failed.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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

Senator Sgambati Rule #42 on HB 653.

Senator Downing Rule #42 on HB 653.

Senator Roberge Rule #42 on HB 653.

Senator DeVries Rule #42 on HB 653.

Adopted.

Ordered to third reading.

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.

Senate Executive Departments and Administration

May 1, 2007

2007-1390s

10/09

Amendment to HB 876-FN-LOCAL

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

AN ACT establishing a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system, and making an appropriation therefor.

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

1 Commission Established. There is established a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

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

(c) The chairman of the New Hampshire retirement system board of trustees, or designee.

(d) Three representatives of group I of the retirement system, appointed by the governor.

(e) Three representatives of group II of the retirement system, appointed by the governor.

(f) Three representatives of municipal and school employers in the retirement system, appointed by the governor.

(g) Four public members with recognized expertise in finance, financial management, or the governance and oversight of large endowments or public funds, appointed by the governor.

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:

I. Study the history of funding, benefits, and investment results of the New Hampshire retirement system.

II. Review the structure and governance of the New Hampshire retirement system.

III. Analyze the current financial status of the retirement system, and the challenges facing the system in the future.

IV. Assess the changes to general accounting standards and their potential effect on the retirement system.

V. Make recommendations for ensuring the long-term viability of the retirement system, including an appropriate funding methodology.

VI. Design a sustainable and affordable cost of living increase for plan participants which may be adopted by the legislature as part of the retirement system.

VII. Study the limitation on maximum benefit amounts.

VIII. Study the issue of equity in contribution rates between employers and employees.

IX. Study other matters deemed necessary by the commission.

X. Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. The commission may employ support staff for the purposes of its duties.

4 Chairperson; Meetings. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the effective date of this section.

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 December 1, 2007.

6 Appropriation; Donations.

I. There is hereby appropriated the sum of \$100,000 for fiscal year 2008 which may be expended by the commission established by this act for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commission is authorized to accept and expend private sector grants, gifts, or donations of any kind for the purpose of the duties required in this act. Any moneys collected shall be continually appropriated to the commission for the purposes of this act.

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

2007-1390s

AMENDED ANALYSIS

This bill establishes a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system. The bill makes an appropriation to the commission for purposes of the duties of the commission.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Foster

Seconded by Senator Barnes.

Senator Foster withdrew his request for a roll call.

Senator Barnes withdrew his second for a roll call.

Senator Sgambati Rule #42 on HB 876-FN-L.

Senator Downing Rule #42 on HB 876-FN-L.

Amendment adopted.

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

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

Senator Sgambati Rule #42 on HB 876-FN-L.

Senator Downing Rule #42 on HB 876-FN-L.

Adopted.

Ordered to third reading.

HB 81, relative to required pay for employees called into work. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

Committee report of inexpedient to legislate is adopted.

HB 102, defining "food" for purposes of the alcoholic beverages laws. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 263-FN, relative to health insurance riders. 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 16, 2007

2007-1655s

01/09

Amendment to HB 263-FN

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

MOTION TO TABLE

Senator Reynolds moved to have HB 263-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 263-FN, relative to health insurance riders.

HB 306, establishing a task force on work and family. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-0. Senator Cilley for the committee.

Sen. Fuller Clark, Dist. 24

Rep. Gile, Merr. 10

April 16, 2007

2007-1266s

05/10

Amendment to HB 306

Amend subparagraph I(e) as inserted by section 4 of the bill by replacing it with the following:

(e) Study and make recommendations relative to ways in which the unemployment insurance program may be used to meet the needs of New Hampshire's working families, specifically to promote the full employment of underemployed individuals and to address the situation of workers who need temporary leaves of absence as a result of medical conditions or to care for aging family members.

(f) Provide public education on work and family issues and on the need for public policies and workplace practices that support the well-being of families.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 336, requiring notice of the classifications of employee and independent contractor. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

HB 337, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund. 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 16, 2007

2007-1653s

01/09

Amendment to HB 337

Amend RSA 281-A:7, I(a)(1) as inserted by section 1 of the bill by replacing it with the following:

I.(a)(1) An employer subject to this chapter who fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation may be assessed a civil penalty of up to \$2,500; in addition, such an employer may be assessed a civil penalty of up to \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, any person with control or responsibility over the violator's finances or with authority to sign checks or who participates in decisions to disburse funds and salaries and who knowingly failed to secure payment of compensation under this chapter shall be held personally liable for the payment of penalties under this chapter.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

May 23, 2007

2007-1777s

01/04

Floor Amendment to HB 337

Amend RSA 281-A:7, I(a)(1) as inserted by section 1 of the bill by replacing it with the following:

I.(a)(1) An employer subject to this chapter who fails to comply with the provisions of RSA 281-A:5 by not securing payment of compensation may be assessed a civil penalty of up to \$2,500; in addition, such an employer may be assessed a civil penalty of up to \$100 per employee for each day of noncompliance. The penalties shall be assessed from the first day of the infraction not to exceed one year. Notwithstanding any provision of law to the contrary, any person with control or responsibility over decisions to disburse funds and salaries and who knowingly failed to secure payment of workers' compensation under this chapter shall be held personally liable for the payment of penalties under this chapter.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 471-FN-A, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-2. Senator Cilley for the committee.

Commerce, Labor and Consumer Protection
May 16, 2007
2007-1684s
01/09

Amendment to HB 471-FN-A

Amend RSA 228:4-b, III as inserted by section 2 of the bill by replacing it with the following:

III. The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the violator's finances or with authority to sign checks or who participates in decisions to disburse funds and salaries and who knowingly falsified information or failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Amend RSA 21-I:80, VI(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the violator's finances or with authority to sign checks or who participates in decisions to disburse funds and salaries and who knowingly falsified information or failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12
May 23, 2007
2007-1776s
01/04

Floor Amendment to HB 471-FN-A

Amend RSA 228:4-b, III as inserted by section 2 of the bill by replacing it with the following:

III. The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the decisions to disburse funds and salaries and who knowingly falsified information or failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Amend RSA 21-I:80, VI(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the decisions to disburse funds and salaries and who knowingly falsified information or failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contrac-

tor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 767, relative to insurance for volunteer drivers. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 23, 2007

2007-1804s

03/01

Floor Amendment to HB 767

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

AN ACT relative to insurance for volunteer drivers and establishing a state coordinating council for community transportation.

Amend the bill by replacing all after section 1 with the following:

2 New Chapter; State Coordinating Council (SCC) for Community Transportation in New Hampshire. Amend RSA by inserting after chapter 239-A the following new chapter:

CHAPTER 239-B

STATE COORDINATING COUNCIL (SCC)

FOR COMMUNITY TRANSPORTATION IN NEW HAMPSHIRE

239-B:1 State Coordinating Council (SCC) for Community Transportation Established. There is hereby established a state coordinating council (SCC) for community transportation in New Hampshire.

239-B:2 Membership and Compensation.

I. The SCC shall consist of the following members:

- (a) The commissioner of the department of health and human services, or designee.
- (b) The commissioner of transportation, or designee.
- (c) The commissioner of the department of education, or designee.
- (d) The executive director of the governor's commission on disability, or designee.
- (e) The chair of the New Hampshire Transit Association, or designee.
- (f) A representative of a regional planning commission, appointed by the commissioner of transportation.

(g) A representative of a philanthropic organization, such as the Endowment For Health or the United Way, appointed by the commissioner of the department of health and human services.

(h) A representative of the business community, appointed by the commissioner of the department of education.

(i) Seven representatives from statewide organizations, such as Granite State Independent Living, AARP, Easter Seals, and the UNH Institute on Disability, appointed by the executive director of the governor's commission on disability.

II. Members of the SCC shall receive no compensation through the SCC when attending to the duties of the SCC.

III. The first meeting of the SCC shall be held within 45 days of the effective date of this section. The members of the SCC shall annually elect a chairperson and vice-chairperson from among the members. The SCC shall meet on a quarterly basis, or as needed. Eight members of the SCC shall constitute a quorum.

239-B:3 Duties. The SCC shall:

I. Develop, implement, and provide guidance for the coordination of shared ride transportation options within New Hampshire so that senior citizens and persons with disabilities can access local and regional transportation services and municipalities, human service agencies, and other organizations can purchase shared ride coordinated transportation services for their citizens, clients, and customers.

II. Set statewide coordination policies for community transportation, establish community transportation regions, encourage the development of regional coordination councils, assist other regional efforts as needed, and monitor the results of statewide coordination.

III. Assist regional coordination councils regarding their designations for regional transportation coordinators in order to ensure that the coordinators chosen will be able to meet any federal or state requirements associated with major funding streams.

IV. Solicit and accept donations for funding to implement and sustain regional transportation coordinators.

239-B:4 Reports. The SCC shall annually report its findings, progress, and any recommendations for proposed legislation to the governor, the speaker of the house of representatives, and the president of the senate by November 1 of each year. The report shall cover the state fiscal year ending June 30 of the same year.

239-B:5 Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the regional transportation coordination fund which shall be kept distinct and separate from all other funds. All moneys in the regional transportation coordination fund shall be continually appropriated to the SCC for the purpose of making grants to regional transportation coordinators. The treasurer shall deposit all donations received pursuant to RSA 239-B:3, IV in the regional transportation coordination fund.

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

(253) All moneys deposited in the regional transportation coordination fund under RSA 239-B:5

4 Effective Date.

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

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

2007-1804s

AMENDED ANALYSIS

This bill prohibits insurance companies from refusing to issue motor vehicle insurance to or increasing rates for a person because the person is a volunteer driver. This bill also establishes a state coordinating council for community transportation in New Hampshire.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 164, prohibiting school personnel from recommending the use of psychotropic medications for any child. Education Committee. Inexpedient to Legislate, Vote 4-2. Senator Bragdon for the committee.

Committee report of inexpedient to legislate is adopted.

HB 205, relative to procedures for certain court ordered out-of-district placements. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Foster for the committee.

Senate Education

May 16, 2007

2007-1662s

04/09

Amendment to HB 205

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

1 Delinquent Children; Out-of-District Placement. Amend RSA 169-B:19-a to read as follows:

169-B:19-a Out-of-District Placement.

I. In the case of an out-of-district placement, the appropriate court shall notify the department of education on the date that the court order is signed, stating the initial length of time for which such placement is made. This section shall apply to the original order and all subsequent modifications of that order.

II. Whenever a court contemplates a placement which will require educational services outside the juvenile's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement, the plan for providing appropriate educational services during the placement, and the plan for accomplishing successful reentry to the school and community upon completion of the placement. In cases where immediate court action is required to protect the health or safety of the juvenile or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

2 Child Protection Act; Presumption in Favor of In-State Placements. Amend RSA 169-C:19-b to read as follows:

169-C:19-b Presumption in Favor of In-State Placements.

I. There shall be a presumption that an in-state placement is the least restrictive and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that there is no appropriate in-state placement available.

II. Whenever a court contemplates a placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement, the plan for providing appropriate educational services during the placement, and the plan for accomplishing successful reentry to the school and community upon completion of the placement. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

3 Children in Need of Services; Presumptions in Favor of In-State Placements. Amend RSA 169D:17-b to read as follows:

169-D:17-b Presumption in Favor of In-State Placements.

I. There shall be a presumption that an in-state placement is the least restrictive and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that there is no appropriate in-state placement available.

II. Whenever a court contemplates a placement which will require educational services outside the child's home school district, the court shall notify the school district and give the district the opportunity to send a representative to the hearing at which such placement is contemplated. At such hearing the court shall consider the recommendations of the school district and if such an out-of-district placement is ordered the court shall make written findings that describe the reasons for the placement, the plan for providing appropriate educational services during the placement, and the plan for accomplishing successful reentry to the school and community upon completion of the placement. In cases where immediate court action is required to protect the health or safety of the child or of the community, the court may act without providing for an appearance by the school district, but shall make reasonable efforts to solicit and consider input from the school district before making a placement decision.

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

2007-1662s**AMENDED ANALYSIS**

This bill requires the court to notify a school district anytime the court is considering an out-of-district placement to give the school district an opportunity to send a representative to the placement hearing.

MOTION TO TABLE

Senator Foster moved to have HB 205 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 205, relative to procedures for certain court ordered out-of-district placements.

HB 914-L, establishing a committee to study issues related to cooperative school districts. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Senate Education

May 15, 2007

2007-1639s

04/01

Amendment to HB 914-LOCAL

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

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

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee may consult with department of education personnel or any other individual or organization with information or expertise relevant to the committee's objectives.

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. Three members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 49, relative to eligibility for admittance to the New Hampshire veterans' home. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

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

A roll call was requested by Senator Barnes.

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 344, relative to conduct of recounts. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 480, relative to party columns listing names on ballots. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

HB 534, relative to political committees of political parties. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

HB 735, relative to the form of the presidential primary election ballot. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Cilley for the committee.

Election Law and Internal Affairs

May 16, 2007

2007-1673s

03/04

Amendment to HB 735

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

AN ACT relative to the form of the presidential primary election ballot, relative to administration of official oaths, and relative to assistant election officials.

Amend the bill by replacing all after section 1 with the following:

2 Tenure and Oath of Office in Certain Cases; Who May Administer. Amend RSA 92:5 to read as follows:

92:5 Who May Administer. Official oaths may be administered as follows: To the clerk of any court, by any 2 justices thereof, or by any 2 justices of the peace [~~one of whom shall be of the quorum~~]; to all military officers above the rank of field officers, and to all other officers appointed by the governor and council, by any 2 members of the council, or by any member of the council with a justice of the peace, or by any 2 justices of the peace [~~one of whom shall be of the quorum~~] **or by any justice of the peace with any notary public**; to all other officers, by any justice of the peace within his **or her** county; to town officers in town meeting, by the moderator, or at any time by the town clerk, one of the selectmen, or a justice of the peace; to officers of school districts, in school meeting, by the moderator, or at any time by the clerk, one of the school board of the district, or a justice of the peace; and to the moderator of the district, by any legal voter of the district.

3 Assistant Election Officials; Appointment. Amend RSA 658:7 to read as follows:

658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant moderator who shall take the oath of office in the same manner as the moderator. The moderator may also appoint such other election officials as he **or she** deems necessary and request the town clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk, and said other election officials shall take the oath of office and perform such duties and have such powers as the moderator may delegate to them, except that the power of making the declaration of the vote cast shall not be delegated to them. **The supervisors of the checklist are authorized to appoint assistant supervisors of the checklist who shall be assistant election officials and have the powers of supervisors for the purpose of registering voters on election day.** The provisions of this section shall apply only to the appointment of assistant election officials to serve at the central polling place. Appointment of officers to act at additional polling places shall be accomplished as provided in RSA 658:14.

4 Gender Neutral. Amend RSA 658:8 to read as follows:

658:8 Term. The term of office of each of the assistant election officials appointed as provided in RSA 658:7 shall expire at the termination of the proceedings at the election for which he **or she** was appointed.

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

2007-1673s

AMENDED ANALYSIS

This bill:

I. Clarifies the form of the presidential primary election ballot.

II. Modifies who may administer official oaths.

III. Authorizes the appointment of assistant supervisors of the checklist to register voters on election day.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 828-FN, relative to a state ethics officer. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 3-0. Senator Burling for the committee.

Election Law and Internal Affairs

May 17, 2007

2007-1693s

05/04

Amendment to HB 828-FN

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

AN ACT relative to the state ethics officer, corrupt practices as defined in RSA 640, and state reporting requirements for gifts, honorariums, and expenses.

Amend the bill by replacing all after section 1 with the following:

2 Corrupt Practices; Scope of Chapter. Amend RSA 640:1 to read as follows:

640:1 Scope of Chapter. Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign, **or the giving or receiving of gifts or expense reimbursements as described in RSA 15B:2, IV and V**. No person shall be convicted of an offense solely on the evidence that a campaign contribution, **gift, or expense reimbursement** was made **to a public official**, and that **a vote**, an appointment, or **a** nomination was subsequently made by the person to whose campaign or political party the contribution was made **or who received the gift or expense reimbursement**.

3 Definition of Expense Reimbursement and Gift. Amend RSA 15-B:2, IV and V to read as follows:

IV. "Expense reimbursement" shall mean ~~[payment]~~ **any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed** in any form ~~[as prepayment, underwriting, or reimbursement of]~~ **for** the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide ~~[informational or educational]~~ conference, ~~[seminar, or]~~ meeting, **seminar or educational or informational program**, when the source of such reimbursement is other than the state, a county, or the United States of America.

V.(a) "Gift" means:

~~[(a)]~~ (1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

~~[(b)]~~ (2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than ~~[\$10]~~ **\$25** is presumed to be of insignificant economic value.

~~[(c)]~~ (b) Notwithstanding ~~[subparagraphs (a) and (b)]~~ **subparagraph (a)**, "gift" shall not include:

(1) A political contribution as defined in RSA 664.

(2) A commercially reasonable loan, made in the ordinary course of business.

(3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial ~~[object or]~~ **plaque**, award, ~~[the value of which is primarily personal]~~ **or other commemorative object, which is personally inscribed** to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of ~~[\$50]~~ **\$150** or less is presumed to be of inconsequential economic value.

(5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or ~~an~~ **any tangible or** intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or ~~intangible~~ thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed ~~[in the course of]~~ **at a meeting or event, the purpose of which is to discuss** official business.

4 Definition of Honorarium. RSA 15-B:2, VI is repealed and reenacted to read as follows:

VI. "Honorarium" means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

5 New Paragraph; Definition of Official Business Added. Amend RSA 15-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Official business" means, for elected members of the general court and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

6 Expense Reimbursement. Amend RSA 15-B:5 to read as follows:

15-B:5 Expense Reimbursement. An elected official, public official, public employee, constitutional official, or legislative employee may accept expense reimbursement for the reasonable expenses for ~~[food]~~ **attendance, registration,** travel, **meals,** and lodging for a **bona fide** conference, meeting, seminar, or educational **or informational** program which the person attends and that is related to the office, position, or employment held with the state or county, provided that the person attaches to the disclosure report a copy of the agenda or an equivalent document which discloses the subjects addressed and the time schedule of all activities at the event. This provision shall not be construed to require reporting of ~~[a prepayment, underwriting, or]~~ **an expense** reimbursement made by an organization to which the state or county pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

7 Duty to Report. Amend RSA 15-B:6 to read as follows:

15-B:6 Duty to Report.

I. An elected official, public official, public employee, or legislative employee who receives an, honorarium or expense reimbursement shall file a report with the secretary of state no later than the last day of the month following the month during which the [gift], honorarium[;] or expense reimbursement was received.

II. *An elected member of the general court who consumes meals or beverages with a value of greater than \$25 in the course of official business pursuant to RSA 15-B:2, V(c)(12) shall file a report with the secretary of state no later than 10 days following the meeting or event at which the meals or beverages were consumed, which report shall be established by the secretary of state, shall be public, and shall contain the same information and affirmations required under RSA 15-B:7.*

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

2007-1693s

AMENDED ANALYSIS

This bill:

I. Requires the secretary of state to designate a state ethics officer for the administration of the state ethics code.

II. Exempts certain campaign contributions, gifts, and expense reimbursements from the scope of RSA 640, relative to corrupt practices.

III. Makes various changes to RSA 15-B, relative to gifts, honorariums, and expenses.

MOTION TO TABLE

Senator Foster moved to have HB 828-FN laid on the table.

Adopted.

LAIID ON THE TABLE

HB 828-FN, relative to a state ethics officer.

HCR 6, urging Congress to prevent the implementation of the North American Free Trade Agreement superhighway system. Election Law and Internal Affairs Committee. Re-refer to committee, Vote 4-0. Senator Burling for the committee.

Adopted.

HCR 6 is re-referred to the Election Law and Internal Affairs Committee.

HCR 8, urging Congress to rename the Veterans Administration Hospital the Styles Bridges Veterans Administration Hospital. Election Law and Internal Affairs Committee. Re-refer to committee, Vote 4-0. Senator Letourneau for the committee.

Adopted.

HCR 8 is re-referred to the Election Law and Internal Affairs Committee.

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development

May 16, 2007

2007-1665s

06/09

Amendment to HB 239-FN-A

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

AN ACT appropriating funds to the barn preservation fund matching grants program and imposing a surcharge on certain documents filed with registers of deeds.

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

2 New Paragraph; Register of Deeds; Surcharge. Amend RSA 478:17-g by inserting after paragraph I the following new paragraph:

I-a.(a) In addition to paragraph I, for recording each such document, a surcharge of \$25 shall be assessed for each recording, except as provided in subparagraph (b).

(b) No such surcharge shall be assessed on the United States or any instrumentality thereof, the state, a state agency, a county, a city, a town, a school district, or a village district.

(c) This paragraph shall be administered by the commissioner of revenue administration, and all powers and duties available to the commissioner to enforce and administer tax laws under RSA 21-J and RSA 78-B shall be authorized for the administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph. Each register of deeds shall retain 4 percent of the total surcharges collected as payment for the service of collecting the surcharge which shall be deducted prior to remitting all revenue collected.

(d) Each register of deeds shall remit the surcharges so collected to the department monthly or more often. All funds received shall be paid over to the state treasurer for deposit in the land and community heritage investment program trust fund established under RSA 227-M:7.

3 New Paragraph; Land and Community Heritage Investment Program Surcharge Administration. Amend RSA 78-B:8 by inserting after paragraph II the following new paragraph:

III. The commissioner shall administer the provisions of RSA 478:17-g, I-a with the same authority as this chapter.

2007-1665s

AMENDED ANALYSIS

This bill:

I. Appropriates \$150,000 to the barn preservation fund matching grants program.

II. Imposes a surcharge on certain documents filed with registers of deeds.

MOTION TO TABLE

Senator Foster moved to have HB 239-FN-A laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 17 - Nays: 7

Adopted.

LAIID ON THE TABLE

HB 239-FN-A, appropriating funds to the barn preservation fund matching grants program.

HB 252-FN, relative to exemptions from the permitting process for excavating and dredging. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

HB 499, relative to the innovative research center. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Sen. Odell, Dist. 8

April 25, 2007

2007-1344s

06/04

Amendment to HB 499

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

AN ACT relative to the innovation research center.

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

1 Innovation Research Center. Amend the subdivision heading preceding RSA 187-A:30 to read as follows:

[Industrial] **Innovation** Research Center

2 Purpose; Innovation Research Center. Amend RSA 187-A:30 to read as follows:

187-A:30 Purpose. To promote the economic well-being of its citizens, the general court finds it desirable to establish an [industrial] **innovation** research center at the University of New Hampshire for the purpose of providing a mechanism to promote applied and basic scientific, engineering, and associated marketing research and technological transfer to support the New Hampshire industrial and business community. ~~[This center will provide the means for improving the competitiveness of New Hampshire industry and the upgrading and development of new and old products through the support and cooperation of the state with industry and business. The supported research, innovation and technology transfer activities will preserve and increase the number of jobs in New Hampshire.]~~ ***This center shall foster cooperative industry and university research partnerships to increase the pace of innovation technology developments that expand the New Hampshire economy, increase the number and quality of jobs in New Hampshire, and cause New Hampshire to be more competitive in the world economy. The center shall become the foremost advocate in the state for applied science and technology, bridging the gap between industry and academia by the judicious application of "innovation investment" competitive contract awards and other developmental support to the New Hampshire business community. The center shall seek to expand the available "innovation investment" funds by leveraging center talent and the available grant money provided by the legislature to pursue and capture federal and other appropriate funds to increase the pace of innovation and job creation in New Hampshire.***

3 Grant Program; Innovation Research Center. Amend RSA 187-A:31 to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of resources and economic development shall enter into a grant program with the university of New Hampshire to establish a center for [Industrial] **innovation** research at the Durham campus. Through the grant program, the center shall provide applied and basic scientific, engineering, and associated marketing research capability and technology transfer in support of New Hampshire's industrial and business community. The center may pool its funds with those of other entities, either public or private, for the purpose of delivering services to New Hampshire businesses and industries. To be eligible to receive grant-funded services, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state. ***The center may provide services other than grants included but not limited to: training regarding the capture and protection of intellectual property, strategic thinking and strategy development, and writing proposals. Assistance may be provided by the NHIRC director, by small subsidies to assist in the identification and funding of consultants to help the company, or by other creative means approved by the NHIRC oversight committee.***

4 Oversight Committee; Membership; Duties. Amend RSA 187-A:32(g) to read as follows:

(g) The ~~[associate provost for academic affairs]~~ ***director of the technology transfer office*** of Dartmouth College.

5 Fees; Innovation Research Center. Amend RSA 187-A:33-b to read as follows:

187-A:33-b Fees. The [industrial] **innovation** research center may assess fees on the business or industry involved with a project of up to 5 percent of the total cost of the project under RSA 187-A:31. The center shall reimburse the university of New Hampshire or Dartmouth College for its administrative expenses incurred out of these fees.

6 New Hampshire Economic Development Fund. Amend RSA 12-A:2-e, III(c) to read as follows:

(c) [Industrial] **Innovation** Research Center.

7 Program Name Change. Amend RSA 187-A:35, I to read as follows:

I. A program to provide assistance to inventors shall be established at the [industrial] **innovation** research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the industrial research center. The administrative head shall be responsible to the oversight committee established in RSA 187-A:32.

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

2007-1344s**AMENDED ANALYSIS**

This bill renames the industrial research center at the University of New Hampshire as the innovation research center and redefines its purpose.

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

HB 665-FN, relative to the comprehensive shoreland protection act. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 2-0. Senator Fuller Clark for the committee.

Senator Gottesman Rule #42 on HB 665-FN.**Committee report of inexpedient to legislate is adopted.**

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Cilley for the committee.

Adopted.**Ordered to third reading.**

HB 857-FN-L, relative to permitting responsibilities under the comprehensive shoreland protection act. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 2-0. Senator Fuller Clark for the committee.

Senator Gottesman Rule #42 on HB 857-FN-L.**Committee report of inexpedient to legislate is adopted.**

HB 903-FN, prohibiting delivery of oil to non-compliant underground storage facilities. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Sen. Letourneau, Dist. 19**Rep. C. Christensen, Hills. 19****May 15, 2007****2007-1635s****08/09****Amendment to HB 903-FN**

Amend the bill by replacing section 2 with the following:

2 New Sections; Delivery Prohibition. Amend RSA 146-C by inserting after section 13 the following new sections:

146-C:14 Delivery Prohibition.

I. No person shall deliver or cause the delivery of oil to a non-compliant storage tank or facility which has been red-tagged.

II. No owner or operator of a facility may deposit or allow the deposit of oil into an underground storage tank or facility that has a red tag affixed to the tank or facility's fill pipe.

III. No person may deposit oil into an underground storage tank or facility that has a red tag affixed to the fill pipe.

IV. No person shall deface, alter, or otherwise tamper with a red tag so that the information contained is not legible.

146-C:15 Non-Compliant Storage Tanks or Facilities; Red-Tagging Procedure. The department shall apply the following procedure in determining whether to red-tag a storage tank or facility:

I. The department shall perform an on-site inspection to determine whether a storage tank or facility is noncompliant with department rules for spill prevention, overfill protection, release detection, leak monitoring, or corrosion protection.

II. Upon determining non-compliant status, the department shall provide written notification to the facility owner and facility operator on the nature of the operational deficiencies, the applicable regulatory requirements, options available for correcting the deficiencies, and the deadline for completion of the work.

III. Upon failure of a facility owner or operator to correct such operational deficiencies to the satisfaction of the department by the established deadline, the department shall issue a written notice of "Intent to Red-Tag" to the facility owner and facility operator, and shall provide notification to all oil delivery companies that have requested to receive such notifications. The notice shall include the deadline after which date department personnel will red-tag the noncompliant storage tank or facility. Before affixing a red tag to the fill pipe of an underground storage tank or facility, the agency shall document the level of stored product in the tank or facility.

IV. The department shall publish a current list of all red-tagged storage tanks and facilities in the state, and shall provide notification of list changes to all oil delivery companies that have requested to receive such notification. No person shall be liable for delivery of oil to a noncompliant storage tank or facility that is not included on the department list of red-tagged storage tanks or facilities.

146-C:16 Appeals.

I. A facility owner may request, in writing, that the department rescind the delivery prohibition imposed under RSA 146-C:14. The department shall approve a request to rescind the delivery prohibition, upon determining the following:

(a) The facility owner or operator has corrected the operational deficiencies identified during the inspection conducted under RSA 146-C:15, I;

(b) Fines and penalties assessed by the department against the facility owner or operator, if any, have been paid; and

(c) The department has re-inspected the facility and determined the storage tank or facility is in compliance, or an owner or operator has provided satisfactory documentation that operational deficiencies were corrected. Upon notification by the owner or operator documenting to the satisfaction of the department that the deficiencies were corrected:

(1) The department may provide written notification to the owner or operator to remove the red tag.

(2) The department shall inspect the underground storage tank or facility within 5 business days of notification to determine whether the tank or facility is now in compliance with department rules, regardless of whether it has authorized removal of the red tag by the owner or operator. If, upon inspection, the department determines that the system is not in compliance and the department has not already authorized the removal of the red tag, the department shall immediately remove the red-tag.

(3) Upon removal of the red tag, the department shall document the level of stored product in the tank or facility. If the red tag was removed by the owner or operator as authorized by the department, the owner or operator shall document the level of stored product in the tank or facility at the time of red tag removal. The removed red tag shall be sent back to the department with documentation of the level of product in the tank or facility at the time of removal. The red-tagged documentation shall be returned to the department within 5 days of the removal of the red tag, or sooner if the department requests it.

II. Nothing in this section shall affect any authority of the department or the attorney general to enforce state law relative to oil discharges or storage tank compliance, or to seek injunctive relief, cost recovery, penalties, and any other sanctions for noncompliance with applicable requirements.

III. Any appeal of department action under this section shall not stay or suspend the department's action.

Amendment adopted.

Senator Janeway offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Janeway, Dist. 7

May 23, 2007

2007-1795s

08/09

Floor Amendment to HB 903-FN

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

AN ACT prohibiting delivery of oil to non-compliant underground storage facilities and establishing requirements for guaranteed price plans and prepaid contracts for home heating oil, kerosene, or liquid petroleum gas.

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision, Petroleum Sales Contracts. Amend RSA 339 by inserting after section 77 the following new subdivision:

Petroleum Sales Contracts

339:78 Definitions. In this subdivision:

I. "Consumer" means a person who purchases home heating oil, kerosene, or liquefied petroleum gas for personal, family, or household purchases.

II. "Heating oil season" means a period of 12 months beginning no earlier than May 1.

339:79 Requirements for Guaranteed Price Plans and Prepaid Contracts for Petroleum.

I. A contract with a consumer that offers a guaranteed price plan, requires prepayment by the consumer, or similar contracts shall be in writing and shall disclose the terms and conditions of the plan. A solicitation for such a guaranteed price plan that could become a contract upon response from a consumer shall also be in writing with the terms and conditions disclosed in plain language.

II. A contract for the retail sale of home heating oil, kerosene, or liquefied petroleum gas to a consumer shall also indicate the total amount of money to be paid by the consumer, the gallons committed by the fuel dealer to be delivered under the contract, the price per gallon, the payment terms, the duration of the contract, the remedies enforceable by the dealer against a non-performing consumer, and that the contract is secured as provided in this section. The information required by this section shall be in plain language and shall be printed in no less than 12-point boldface type of uniform font after the price of service described.

III. A contract that requires prepayment by the consumer or caps the price of heating oil shall comply with paragraphs I and II of this section. Such contract also:

(a) Shall not require consumers to commit for a term of more than one heating oil season. Such contracts shall be offered no earlier than May 1 of the year in which the heating oil season begins.

(b) Shall require dealers to reimburse consumers at the contract price for any undelivered pre-purchased oil, unless the dealer and consumer agree to different terms, within 30 days after the contract ends.

(c) Shall include a clear explanation of the means by which the dealer will meet the obligations of the contract for the entire contract period, including supplier agreements, futures contracts, bonding, or a line of credit.

(d) Shall not falsely claim coverage. Any dealer who falsely claims coverage or fails to maintain coverage until the completion of the contract shall be guilty of a class A misdemeanor, in addition to other penalties as provided in paragraph VI.

IV. No home heating oil, kerosene, or liquefied petroleum gas dealer shall enter into a prepaid contract to provide home heating oil, kerosene, or liquefied petroleum gas to a consumer unless that dealer has, within 7 days of the acceptance of the contract, obtained and maintained any one of the following:

(a) A firm commitment in the form of a futures contract or other commitment that guarantees that the dealer may purchase, at a fixed price, heating oil, kerosene, or liquefied petroleum gas in an amount not less than 75 percent of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The amount of such futures contract may be reduced to reflect any amount of home heating oil, kerosene, or liquefied petroleum gas already delivered to and paid for by the consumer;

(b) A surety bond, made payable to the attorney general, in an amount not less than 50 percent of the total amount of funds paid to the dealer by consumers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts; or

(c) A letter of credit, made payable to the attorney general, from an FDIC-insured institution in an amount that represents 100 percent of the cost to the dealer of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The cost shall be calculated at the time the contracts are entered into.

V. Paragraph IV of this section shall not apply to budget plans under which consumers pay their yearly heating costs by making equal monthly payments.

VI. Failure to comply with this section shall constitute an unfair or deceptive act or practice in violation of RSA 358-A.

5 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2007.

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

2007-1795s

AMENDED ANALYSIS

This bill prohibits delivery of oil to non-compliant underground storage facilities, establishes a process for determining compliance, and establishes penalties for violations.

This bill also establishes requirements for guaranteed price plans and prepaid contracts for home heating oil, kerosene, or liquid petroleum gas.

MOTION TO TABLE

Senator Foster moved to have HB 903-FN laid on the table.

Adopted.

LAID ON THE TABLE

HB 903-FN, prohibiting delivery of oil to non-compliant underground storage facilities.

HB 439, relative to certain rulemaking authority of the commissioner of environmental services. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

HB 568-FN, repealing the option to purchase nonqualified service credit in the New Hampshire retirement system. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 5-0. Senator Downing for the committee.

Senator Downing Rule #42 on HB 568-FN.

Committee report of inexpedient to legislate is adopted.

HB 652-FN, relative to the collection of debts owed to the state. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 5-0. Senator Downing for the committee.

Committee report of inexpedient to legislate is adopted.

HB 685, prohibiting New Hampshire from participating in a national identification card system. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Burling for the committee.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 24, 2007

2007-1822s

10/03

Floor Amendment to HB 685

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

AN ACT prohibiting New Hampshire from participating in a national identification card system, and establishing a death benefit to be paid to the family of a police officer or firefighter killed in the line of duty and establishing a committee to study the eligibility for and award of the benefit.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 8:

2 New Section; Death Benefit for Police Officer or Firefighter Killed in Line of Duty. Amend RSA 21-I by inserting after section 29 the following new section:

21-I:29-a Death Benefit for Police Officer or Firefighter Killed in Line of Duty.

I. In this section:

(a) "Family" means the surviving spouse of the police officer or firefighter, or if there is no surviving spouse, the child or children of such police officer or firefighter or, if there is no surviving child, the parent or parents of such police officer or firefighter.

(b) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city or town within the state of New Hampshire, or any firefighter employed by the state of New Hampshire.

(c) "Killed in the line of duty" means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death.

(d) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers who are employed by a city or town within the state of New Hampshire, or any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. This section shall be known as "Michael's Law," in honor of Manchester Police Officer Michael Briggs who was shot while on duty.

3 Committee Established. There is established a committee to study the policies and methods for determining eligibility for, and the award of, benefits under section 2 of this act.

4 Membership and Compensation.

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

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

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

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

5 Duties. The committee shall study the policies and methods for determining eligibility for, and the award of, benefits under section 2 of this act.

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

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

2007-1822s

AMENDED ANALYSIS

This bill prohibits New Hampshire from participating in a national identification card system and establishes additional limitations on the release of data by the department of safety.

This bill also establishes a death benefit to be paid to the family of a state or local police officer or firefighter killed in the line of duty. The bill establishes a committee to study the policies and methods for determining eligibility for, and the award of, the death benefit.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Foster.

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

Floor amendment adopted.

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

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 895-FN, relative to licensure of court reporters. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

May 14, 2007

2007-1628s

09/03

Amendment to HB 895-FN

Amend RSA 310-A:164 as inserted by section 1 of the bill by replacing it with the following:

310-A:164 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for a license to practice under this subdivision.
- II. The qualifications of applicants in addition to those requirements set by statute, including the qualifications for satisfactory evidence of good professional character.
- III. How an applicant shall be examined, including the time and place of the examination.
- IV. How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education.
- V. Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.
- VI. Fees under RSA 310-A:171.
- VII. Matters related to the proper administration of this subdivision.
- VIII. Procedures for the conduct of hearings consistent with the requirements of due process.
- IX. The design of an official seal.

Amend section 1 of the bill by deleting RSA 310-A:169 and renumbering the original RSA 310-A:170 through RSA 310-A:182 to read as RSA 310-A:169 through RSA 310-A:181, respectively.

Amend RSA 310-A:171 as inserted by section 1 of the bill by replacing it with the following:

310-A:171 Fees. The board shall adopt rules, under RSA 541-A, which shall establish all fees required under this subdivision including fees for the following:

- I. Examinations.
- II. Application for licensure upon passing the examination.
- III. Application for a license under RSA 310-A:170.

IV. Biennial renewal for licensed court reporters.

V. Late fees for a late renewal of license.

VI. Replacement of a lost or mutilated license.

VII. Transcribing and transferring records and other services.

VIII. Reinstatement.

Amend RSA 310-A:173 as inserted by section 1 of the bill by replacing it with the following:

310-A:173 Term of License; Renewal. The term of licensure under this chapter shall be every 2 years. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years, such amount to be not less than \$200. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply for licensure. The board, pursuant to rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

Amend the bill by replacing section 2 with the following:

2 Reference Changes. RSA 326-I:7, IV(f) is repealed and reenacted to read as follows:

(f) Court reporters licensed under RSA 310-A:161 – RSA 310-A:181 while employed as court reporters as defined in RSA 310-A:162, II.

Amend the bill by replacing section 6 with the following:

6 Initial License; Fees. For one year following the effective date of this act, the board of court reporters may grant an initial license to any court reporter holding a valid certified court reporter certificate, provided the board determines that the person meets the criteria for applicants for licensure under RSA 310-A:161 - RSA 310-A:181. Applicants shall be responsible for fees as determined by the board.

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 Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts. Finance Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

HB 180-FN, relative to pay and allowances for officers and enlisted members of the national guard. Finance Committee. Ought to Pass, Vote 7-0. 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 Barnes.

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 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services. Finance Committee. Ought to Pass, Vote 5-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

HB 273-FN, relative to special needs trusts. Finance Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

HB 286-FN, relative to a Medicaid waiver for family planning services. Finance Committee. Ought to Pass, Vote 7-0. Senator Sgambati for the committee.

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

A roll call was requested by Senator Barnes.

Seconded by Senator Roberge.

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

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

Yeas: 20 - Nays: 4

Adopted.

Ordered to third reading.

HB 407-FN-A, relative to assistance for milk producers. Finance Committee. Ought to pass with amendment, Vote 5-2. Senator Janeway for the committee.

Senate Finance

May 16, 2007

2007-1674s

01/04

Amendment to HB 407-FN-A

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$2,100,000 for the fiscal year ending June 30, 2007, is hereby appropriated to the department of agriculture, markets, and food for the emergency dairy assistance program established in RSA 184-B:1. The governor shall draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any moneys not expended by June 30, 2008 shall lapse into the general fund.

MOTION TO TABLE

Senator Foster moved to have HB 407-FN-A laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

The following Senators voted No: Kenney, Cilley, Janeway, Odell, Roberge, Bragdon, Gatsas, Barnes, Letourneau, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

LAID ON THE TABLE

HB 407-FN-A, relative to assistance for milk producers.

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). Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

HB 553-FN-A, requiring the state to pay legal fees for certain supreme court justices and making an appropriation therefor. Finance Committee. Inexpedient to Legislate, Vote 3-3. Senator D'Allesandro for the committee.

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

A division vote was requested.

Yeas: 13 - Nays: 8

Senator Hassan Rule #42 on HB 553-FN-A.

Senator Reynolds Rule #42 on HB 553-FN-A.

Senator Burling Rule #42 on HB 553-FN-A.

Committee report of inexpedient to legislate is adopted.

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord. Finance Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

Senator Burling Rule #44.

HB 590-FN, changing the state migratory waterfowl stamp into a license issued by the fish and game department. Finance Committee. Ought to pass with amendment, Vote 6-0. Senator Sgambati for the committee.

Senate Finance

May 16, 2007

2007-1663s

10/04

Amendment to HB 590-FN

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2008.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 661-FN-A, establishing an executive planning commission on special education. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance

May 16, 2007

2007-1692s

04/01

Amendment to HB 661-FN-A

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

V. The commission may accept gifts, donations, or grants from any source provided the gifts, donations, or grants received shall be used for the purpose of hiring staff and retaining consultants with relevant information and expertise as deemed necessary by the commission.

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

2007-1692s**AMENDED ANALYSIS**

This bill establishes an executive planning commission on special education and authorizes the commission to accept gifts, grants, or donations from any source to hire staff or retain consultants.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services. Finance Committee. Ought to Pass, Vote 7-0. Senator Hassan for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 721 laid on the table.

The question is on the motion to lay on the table.

A roll call was requested by Senator Gatsas.

Seconded by Senator Bragdon.

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

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

Yeas: 16 - Nays: 8

Adopted.

LAID ON THE TABLE

HB 721, relative to the appropriation to the department of health and human services for rates paid for nursing services.

HB 749, relative to positions within the department of safety and making an appropriation therefor. Finance Committee. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

MOTION TO TABLE

Senator Gallus moved to have HB 749 laid on the table.

Adopted.

LAID ON THE TABLE

HB 749, relative to positions within the department of safety and making an appropriation therefor.

Senator Hassan in the Chair.

HB 43, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Sgambati for the committee.

Health and Human Services

May 16, 2007

2007-1661s

05/04

Amendment to HB 43

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

AN ACT relative to the procedure for establishing Medicaid reimbursement rates; relative to reimbursement rates for hospital-based physician and outpatient services; and establishing a committee to study Medicaid payments for hospital-based physician and outpatient services.

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

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

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

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

Amend the bill by replacing section 7 with the following:

7 Reimbursement Policy and Rates. Notwithstanding any provision of law, except as provided in this section, the reimbursement policies, rates, and related billing instructions, for physicians services provided by hospital-based physicians and outpatient services in effect as of January 1, 2007 shall be the policies, rates, and billing instructions used by the department of health and human services. The department of health and human services shall not submit to the Centers for Medicare and Medicaid Services any Medicaid state plan amendments related to or affecting the policies, rates, and related billing practices for hospital-based physicians and outpatient services prior to November 30, 2007. Any change to these reimbursement policies, rates and related billing instructions prior to further action by the general court shall require the prior approval of the fiscal committee.

2007-1661s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to review medicaid reimbursement rates every 2 years and establishes certain reporting requirements relative to such rates.

II. Establishes a committee to study Medicaid payments for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 and maintains reimbursement policies, rates, and related billing instructions for physician services provided by hospital-based physicians and outpatient services in effect as of January 1, 2007 pending further action of the general court or fiscal committee.

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Clegg, Dist. 14

Sen. Gatsas, Dist. 16

May 24, 2007

2007-1836s

01/03

Floor Amendment to HB 43

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

AN ACT relative to the procedure for establishing Medicaid reimbursement rates; relative to reimbursement rates for hospital-based physician and outpatient services; establishing a committee to study Medicaid payments for hospital-based physician and outpatient services; and relative to the appropriation to the department of health and human services for nursing services.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 The commissioner of the department of administrative services shall transfer the sum of \$2,900,000 in federal, county, and state funds from the appropriation for the fiscal year ending June 30, 2007, from PAU 05-01-08-04-01 class 090, nursing services, to PAU 05-01-08-04-01 class 091, home nursing services for the fiscal year ending June 30, 2007.

2007-1836s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to review medicaid reimbursement rates every 2 years and establishes certain reporting requirements relative to such rates.

II. Establishes a committee to study Medicaid payments for hospital-based physician and outpatient services billed using the National Uniform Billing Committee Revenue Code 510 and maintains reimbursement policies, rates, and related billing instructions for physician services provided by hospital-based physicians and outpatient services in effect as of January 1, 2007 pending further action of the general court or fiscal committee.

III. Transfers money from the appropriation to the department of health and human services in the 2006-2007 operating budget from nursing services to home nursing services.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 9 - Nays: 15

Floor amendment failed.

Senator Estabrook moved the question.

Without objection Senator Larsen moved to close debate.

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

Adopted.

Ordered to third reading.

HB 517, establishing a commission to investigate cost drivers in providing health care. Health and Human Services Committee. Ought to pass with amendment, Vote 3-1. Senator Estabrook for the committee.

Health and Human Services

May 16, 2007

2007-1670s

01/09

Amendment to HB 517

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

AN ACT establishing a commission to investigate cost drivers in providing health care and establishing the New Hampshire Rx advantage program and continually appropriating a special fund.

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

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

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

6 Statement of Purpose. The general court finds that affordability is critical in providing access to prescription drugs for New Hampshire residents. Therefore, the general court hereby establishes the New Hampshire Rx advantage program for qualified New Hampshire residents, thereby increasing the overall health of New Hampshire residents, promoting healthy communities, and protecting the public health and welfare. It is the intent of this act to integrate the New Hampshire Rx advantage program as part of any statewide program for the uninsured and to have consumers self-qualify for the program. It is not the intent of sections 6-10 of this act to discourage employers from offering or paying for prescription drug benefits for their employees or to replace employer-sponsored prescription drug benefit plans that provide benefits comparable to those made available to qualified New Hampshire residents under this act. The New Hampshire Rx advantage program is also not intended to address past cuts in dispensing fees.

7 New Chapter; New Hampshire Rx Advantage Program. Amend RSA by inserting after chapter 161-K the following new chapter:

CHAPTER 161-L

NEW HAMPSHIRE RX ADVANTAGE PROGRAM

161-L:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Covered drugs" means drugs that are on the New Hampshire preferred drug list.

III. "Department" means the department of health and human services.

IV. "Dispensing fee" means a fee for each prescription dispensed by a pharmacy that is paid to the pharmacy.

V. "Fund" means the New Hampshire Rx advantage program fund, established in RSA 161L:5.

VI. "Initial discounted price" for a drug means the price which has been discounted from a pharmacy's usual and customary charge that participating retail pharmacies may charge qualified residents participating in the program for that drug.

VII. "Labeler" means an entity or person that receives prescription drugs from a manufacturer or wholesaler and repackages those drugs for later retail sale and that has a labeler code from the federal Food and Drug Administration under 21 C.F.R. section 207.20.

VIII. "Participating retail pharmacy" or "retail pharmacy" means a retail pharmacy located in this state, or another business licensed to dispense prescription drugs in this state, that participates in the program.

IX. "Program" means the New Hampshire Rx advantage program established under this chapter.

X. "Qualified resident" means a resident of this state who has a family income equal to or less than 300 percent of the federal poverty level and who self-qualifies as an enrollee in the program. "Qualified resident" also means a resident of this state whose family incurs unreimbursed expenses for prescription drugs that equal 5 percent or more of family income or whose total unreimbursed medical expenses equal 15 percent or more of family income. For purposes of this definition, the cost of drugs provided under this chapter shall be considered an expense incurred by the family for eligibility determination purposes.

XI. "Secondary discounted price" means the initial discounted price minus any further discounts paid for out of the fund.

XII. "Usual and customary charge" means the charge a pharmacy charges a customer for a prescription drug.

161-L:2 New Hampshire Rx Advantage Program Established. The department shall establish the New Hampshire Rx advantage program. The department may coordinate this program with other programs and may take actions to enhance efficiency, reduce the cost of prescription drugs, and maximize the benefits to the programs and enrollees, including providing the benefits of this program to enrollees in other programs. The components of the program shall be as follows:

I. A drug manufacturer or labeler that sells prescription drugs in this state through any other publicly-supported pharmaceutical assistance program may enter into a rebate agreement with the department for this program. The rebate agreement shall require the manufacturer or labeler to make rebate payments to the state each calendar quarter or according to a schedule established by the department.

II. The commissioner shall negotiate the amount of the rebate required from a manufacturer or labeler in accordance with this paragraph.

(a) The commissioner shall take into consideration the rebate calculated under the Medicaid Rebate Program pursuant to 42 U.S.C. section 1396r-8, the average wholesale price of prescription drugs, and any other information on prescription drug prices and price discounts.

(b) The commissioner shall use the commissioner's best efforts to obtain an initial rebate amount equal to or greater than the rebate calculated under rebates pursuant to 42 U.S.C. section 1396r-8.

(c) With respect to the rebate taking effect no later than October 1, 2009, the commissioner shall use the commissioner's best efforts to obtain an amount equal to or greater than the amount of any discount, rebate, or price reduction for prescription drugs provided to the federal government.

III. Each participating retail pharmacy shall sell covered drugs to qualified residents at the lower of the initial discounted price and the secondary discounted price as such prices are determined by the department pursuant to this chapter.

(a) The department shall establish discounted prices for drugs covered by a rebate agreement and shall promote the use of efficacious and reduced-cost drugs, taking into consideration reduced prices for state and federally-capped drug programs, differential dispensing fees, administrative overhead, and incentive payments.

(b) Beginning July 1, 2008, a participating retail pharmacy shall offer the initial discounted price.

(c) No later than October 1, 2009, a participating retail pharmacy shall offer the secondary discounted price if available.

161-L:3 Retail Pharmacies; Rules; Operation of Program.

I. The New Hampshire pharmacy board, established in RSA 318, shall adopt rules, pursuant to RSA 541-A, requiring disclosure by participating retail pharmacies to qualified residents relative to the amount of savings provided as a result of the program. The rules shall include protection of any information that is proprietary in nature.

II. The department shall not impose transaction charges under this program on retail pharmacies that submit claims or receive payments under the program.

III. A participating retail pharmacy shall submit claims to the department to verify the amount charged to qualified residents.

IV. On a weekly or biweekly basis, the department shall reimburse a participating retail pharmacy for the difference between the initial discounted price and the secondary discounted price provided to qualified residents under the program.

V. The department shall conduct ongoing quality assurance activities.

VI. The commissioner shall negotiate a per prescription dispensing fee which shall not be less than the medicaid dispensing fee to be paid to participating pharmacies.

161-L:4 Nonparticipating Manufacturers and Labelers.

I. The names of manufacturers and labelers who do and do not enter into rebate agreements pursuant to this chapter shall be public information. The department shall release such information to health care providers and the public on a regular basis and shall publicize participation by manufacturers and labelers that is of particular benefit to the public.

II. The department may impose prior authorization requirements in the program, as permitted by law, to the extent the department determines it is appropriate to do so in order to encourage manufacturer and labeler participation in the program and if the additional prior authorization requirements remain consistent with the goals of the program and the requirements of the federal Social Security Act, Title 19.

161-L:5 New Hampshire Rx Advantage Program Fund. There is hereby established in the office of the state treasurer a fund to be known as the New Hampshire Rx advantage program fund. The fund shall receive revenue from manufacturers and labelers who pay rebates as provided in 161-L:2, II and any appropriations or allocations designated for the fund. The purposes of the fund shall include, but not be limited to reimbursing retail pharmacies for discounted prices provided to qualified residents; reimbursing the department for contracted services including pharmacy claims processing fees, administrative and associated computer costs, and other reasonable program costs; and benefiting any state sanctioned low cost drug program subsequently established. Moneys in the fund shall be nonlapsing and continually appropriated to the department. Interest on fund balances shall accrue to the fund. Surplus funds in the fund shall be used for the benefit of the program.

161-L:6 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

I. Procedures for issuing program enrollment cards.

II. Outreach efforts to build public awareness of the program and to maximize enrollment of eligible residents.

III. Content and format of any forms required under this chapter.

IV. Procedures for entering into rebate agreements with drug manufacturers or labelers.

V. Manner of releasing information to the public under RSA 161-L:4.

161-L:7 Annual Report Required. The commissioner shall make an annual report beginning January 1, 2009 relative to the enrollment and financial status of the program, including any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the governor.

8 Generic Drugs. Amend RSA 126-A:3, V to read as follows:

V. Pharmacists shall substitute generically equivalent drug products for all legend and non-legend prescriptions paid for by the department of health and human services, including the medicaid program,

unless the prescribing practitioner specifies that the brand name drug product is medically necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in the pharmacist's file. ~~[The commissioner may waive the application of RSA 126-A:3, III if the commissioner determines such action is necessary to ensure the availability of prescription and other pharmaceutical services to persons served by the department or to avert serious economic hardship in the provision of prescriptions and other pharmaceutical services. The commissioner shall adopt rules under RSA 541-A relative to a waiver of the application.]~~ ***The provisions of paragraph III shall not apply to the dispensing by a pharmacy for medical assistance reimbursement for legend and non-legend drugs.*** The commissioner, in consultation with pharmacy providers, ~~[may develop a new methodology for]~~ ***shall establish*** medical assistance reimbursement for legend and non-legend drugs.

9 New Paragraph; Pharmacy Board; Rulemaking. Amend RSA 318:5-a by inserting after paragraph XVII the following new paragraph:

XVIII. Rules for disclosure and confidentiality relative to the New Hampshire Rx advantage program, pursuant to RSA 161-L:3.

10 New Subparagraph; New Hampshire Rx Advantage Program Fund. Amend RSA 6:12, I by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the New Hampshire Rx advantage program fund pursuant to RSA 161-L:5.

11 Effective Date.

I. RSA 161-L:4, II as inserted by section 7 of this act shall take effect July 1, 2010.

II. Except as provided in paragraph I, sections 6-10 of this act shall take effect January 1, 2008.

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

2007-1670s

AMENDED ANALYSIS

This bill establishes a commission to investigate cost drivers in providing health care.

This bill also establishes the New Hampshire Rx advantage program for prescription drugs. Under this program, participating pharmacies shall sell prescription drugs to qualified residents at a discounted price. The bill grants rulemaking authority to the New Hampshire pharmacy board and the commissioner of the department of health and human services for the purposes of the program.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Foster.

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

Senator Fuller Clark Rule #42 on HB 517.

Amendment adopted.

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

Senator Fuller Clark Rule #42 on HB 517.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 723, extending the moratoriums on nursing home beds and rehabilitation. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Health and Human Services
May 16, 2007
2007-1669s
01/09

Amendment to HB 723

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

AN ACT extending the moratoriums on nursing home beds and rehabilitation and relative to long-term care.

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to all certificates of need under sections 1 and 2 of this act except for any application for a certificate of need which was filed with the health services planning and review board on or before June 30, 2007.

4 Long-Term Care; Purpose. Amend RSA 151-E:1, III to read as follows:

III. This chapter is ~~[an initial]~~ **an essential** step toward ~~[incrementally]~~ rebalancing the long-term care system and expanding choices available to recipients. It increases the continuum of care by adding mid-level care, including but not limited to, assisted living and residential care services. Through an acuity-based reimbursement system ~~[and]~~, a comprehensive needs assessment process, **and an information and assistance process**, it ~~[encourages]~~ **provides** those eligible for Medicaid nursing facility services **the opportunity** to ~~[consider]~~ **choose** more appropriate, less costly mid-level services and home and community-based care. In this way, the state intends to serve this increasing Medicaid eligible population more appropriately and more economically.

5 New Paragraph; Long-Term Care; Definition Added. Amend RSA 151-E:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Person-centered planning" means a planning process to develop an individual support plan that is directed by the person, his or her representative, or both, and which identifies his or her preferences, strengths, capacities, needs, and desired outcomes or goals.

6 Long-Term Care; Eligibility for Nursing Services. Amend the introductory paragraph of RSA 151-E:3, I(a) to read as follows:

(a) Clinically eligible for nursing facility care because the person requires 24-hour care for one or more of the following purposes, as determined by registered nurses ~~[employed by state or county government using]~~ **appropriately trained to use** an assessment tool **and employed by the department, or a designee acting on behalf of the department**:

7 New Paragraph; Long-Term Care; Assessment Tool. Amend RSA 151-E:3 by inserting after paragraph III the following new paragraph:

IV. For the purposes of the assessment performed pursuant to paragraph I, the registered nurse shall obtain and give substantial weight to clinical information provided by the applicant's physician, including, but not limited to, diagnosis, prognosis, and plan of care recommendations.

8 Long-Term Care; Consumer Choice. Amend RSA 151-E:4 to read as follows:

151-E:4 Consumer Choice. A person who has been determined to be Medicaid eligible for nursing facility services in accordance with RSA 151-E:3 shall have the right to receive nursing facility services; however, the person shall be offered and may choose to receive services in a less restrictive setting if such services are available and do not result in costs to the state and counties in excess of the limitations set forth in RSA 151-E:11, II. Such choice shall be offered in accordance with state laws and federal regulations. **The person shall have the right to have his or her individual support plan developed through a person-centered planning process regardless of age, disability, or residential setting.** The department shall take into consideration the family and community supports available to the person, the family's desire and ability to care for the person, and shall ensure that all consideration and support is offered to the family to maintain the person in home and community-based care. Nothing in this section is intended to require the provision of financial assistance or supports by a family member.

9 Long-Term Care; Information and Referral. Amend RSA 151-E:5 to read as follows:

151-E:5 Information and Referral. The department shall establish a system of community-based ~~[focal points]~~ **information and referral resource centers** that provide information and referral services to eld-

erly and chronically ill adults. The information and referral network established under this section shall not be used for the purpose of political ~~[or legislative]~~ advocacy, ***but may inform and educate the general court regarding the extent of services available as well as the unmet needs in the community.***

10 New Sections; Annual Report; Medicaid Waiver Program; Eligibility. Amend RSA 151-E by inserting after section 15 the following new sections:

151-E:16 Accurate Cost Estimates.

I. The department shall estimate and report the full cost to the state of adequately funding long-term care services at a level which ensures all eligible individuals the quality services which they need and for which they are eligible. The cost estimates shall include the cost to fund home and community-based, mid-level, and nursing facility care at a reimbursement level necessary to ensure that individuals who are eligible for Medicaid-funded long-term care services have access to quality services in all 3 settings, are able to live with dignity in a safe environment, and are able to exercise choice in their care setting. The department estimate shall be based on provider reimbursement rates that ensure a provider workforce that is sufficient to fully meet the needs of eligible consumers.

II. The department shall include the estimate required by paragraph I as an informational addendum to its budget submission.

151-E:17 Availability of Targeted Management Services. The department shall make available to and advise all Medicaid recipients who require a nursing facility level of care or are at risk of needing such care and who are patients in hospitals, rehabilitation hospitals, or nursing facilities of the availability of targeted case management services provided by independent case managers, to explore the feasibility of transitioning to home and community-based care.

151-E:18 Presumptive Eligibility.

I. The commissioner of the department shall establish a presumptive eligibility program to prevent unnecessary and costly institutionalization of individuals who are Medicaid eligible for nursing facility services and choose to receive services in less restrictive settings.

II. Pending verification of application information, the department shall authorize medical assistance in the interval between application and the final Medicaid eligibility determination if the department determines the applicant is likely to be eligible. Presumptive eligibility shall be made available at department district offices, information and referral resource centers, and other qualified providers. The presumptive eligibility period shall not include coverage of home or environmental modifications.

III. Presumptive eligibility authorizations shall be dependent upon a face-to-face clinical assessment of each applicant and review of a completed Medicaid application. The department shall perform the face-to-face clinical assessment within 20 business days of a request for medical assistance. The department shall review the application for presumptive eligibility within 5 business days of completion of the Medicaid application and clinical assessment.

IV. The presumptive eligibility period begins on the date the department determines the applicant likely meets the eligibility criteria and ends on the date eligibility is verified or the individual is determined ineligible.

V. The Medicaid applicant shall acknowledge in writing the uncertainty of continuing service coverage beyond the presumptive eligibility period and the potential for financial responsibility for costs incurred in the event of a determination of Medicaid ineligibility.

VI. If an applicant is determined ineligible for Medicaid, the department shall promptly notify the applicant and the applicant's providers of the finding and the immediate termination of service coverage authorization. In such a case, the department shall use non-Medicaid funds to pay for any waiver services which the applicant has already received. In the event an application was filed with fraudulent intent, the department shall be entitled to reimbursement of funds expended on behalf of the applicant.

VII. The commissioner of the department shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) A process to determine presumptive eligibility.
- (b) A definition of a qualified provider.
- (c) Content and format of forms required under this section.

11 Repeal. The following are repealed:

I. 2005, 175:22, relative to eligibility for nursing services, is repealed.

II. 2005, 175:25, III, relative to a prospective effective date.

12 Effective Date.

I. Section 11 of this act shall take effect June 30, 2007.

II. Sections 1-3 of this act shall take effect upon its passage.

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

2007-1669s

AMENDED ANALYSIS

This bill:

I. Extends the moratoriums on nursing home beds and rehabilitation until June 30, 2009.

II. Authorizes individuals eligible to receive Medicaid-funded nursing home services with the right to have their individual support plans developed through a person-centered planning process regardless of age, disability, or residential setting.

III. Maintains current eligibility criteria for nursing facility services which would change on July 1, 2007.

IV. Requires that the department calculate accurate cost estimates of the full cost to the state of adequately funding long-term care services and to submit these estimates as an informational addendum with its budget request.

V. Authorizes the department of health and human services to establish a presumptive eligibility process for applicants seeking Medicaid or Medicaid-waiver coverage for long-term care services.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 826-FN, relative to coverage of services and items under the medical assistance program. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 395-FN, relative to penalties for computer crime. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 446, relative to criminal threatening in a safe school zone. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

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

A roll call was requested by Senator Kenney.

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 504-FN, relative to registration requirements for certain criminal offenders under age 21. Judiciary Committee. Ought to pass with amendment, Vote 4-1. Senator Clegg for the committee.

Senate Judiciary

May 16, 2007

2007-1659s

04/05

Amendment to HB 504-FN

Amend RSA 651-B:6, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been convicted of a violation of RSA 632-A:3, II, or an equivalent offense in another jurisdiction, who was under 21 years of age at the time of the offense and where the victim was 13 years of age or older and under 16 years of age at the time of offense, and who is required to register under this chapter, may petition the superior court in which the person was convicted or in which the person resides, for removal of the person's name from the registry. The court shall consider the petition if it was determined that the offender did not use force or coercion in the commission of the act and a period of 10 years or more has elapsed since the conviction without any other misdemeanor or felony convictions. The age difference of the parties alone shall not constitute evidence of use of force or coercion. Prior to granting any petition to remove an offender's name from the registry, the court shall provide notice to the county attorney who prosecuted the case, the victim's advocate, and the victim or the victim's family, and permit those parties to be heard on the petition.

Amendment failed.

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

A roll call was requested by Senator Foster.

Seconded by Senator Gottesman.

The following Senators voted Yes: None.

The following Senators voted No: 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.

Yeas: 0 - Nays: 24

Motion failed.

MOTION TO TABLE

Senator Foster moved to have HB 504-FN, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 504-FN, relative to registration requirements for certain criminal offenders under age 21.

Senator Larsen in the Chair.

HB 587-FN, relative to the duties of probation and parole officers. Judiciary Committee. Inexpedient to Legislate, Vote 2-0. Senator Clegg for the committee.

Committee report of inexpedient to legislate is adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Clegg moved to have HB 597-FN removed from the table.

Adopted.

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

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

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
 Sen. Clegg, Dist. 14
 Sen. Gatsas, Dist. 16
 Sen. DeVries, Dist. 18
 May 24, 2007
 2007-1846s
 09/01

Floor Amendment to HB 597-FN

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

AN ACT requiring the health services and planning review board to accept the application and provide an expedited hearing and review process for the request by Elliot Hospital for approval of a new facility in Londonderry.

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

1 Expedited Hearing and Review Process. The health services planning and review board shall accept the application and provide an expedited hearing and review process for the request by Elliot Hospital for approval of a new facility in Londonderry.

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

2007-1846s

AMENDED ANALYSIS

This bill requires the health services and planning review board to accept the application and provide an expedited hearing and review process for the request by Elliot Hospital for approval of a new facility in Londonderry.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Reynolds is in opposition to HB 597-FN.

HB 602-FN, relative to child support enforcement. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

HB 703, relative to day reporting programs in the county department of corrections. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 719, relative to the statute of limitations for fire code violations. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

Senate Judiciary

May 16, 2007

2007-1658s

09/10

Amendment to HB 719

Amend RSA 625:8, III(f) as inserted by section 1 of the bill by replacing it with the following:

(f) For any offense under RSA 153:24 and RSA 153:5, the state fire code, within one year of its discovery.

Amendment adopted.

Senator DeVries offered a floor amendment.

Sen. DeVries, Dist. 18
Sen. Burling, Dist. 5
Sen. Cilley, Dist. 6
Sen. Letourneau, Dist. 19
May 23, 2007
2007-1794s
09/01

Floor Amendment to HB 719

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

AN ACT relative to the statute of limitations for fire code violations and placing restrictions on an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities.

Amend the bill by replacing all after section 1 with the following:

2 Exception for Black Gunpowder. RSA 158:39, III is repealed and reenacted to read as follows:

III. Nothing contained in this subdivision shall apply to black powder used by an association or non-profit entity organized to conduct historical reenactments, portrayals, or demonstrations, or to the storage of up to 50 pounds of black powder by such an association or entity, provided that no more than 50 pounds of black powder is contained in a type 4 magazine as defined in 27 C.F.R. 55.203 and 27 C.F.R. 55.210(b) located at least 50 feet from an occupied dwelling in such a way as to be secure from unauthorized persons. The location of such magazine shall be registered with the local fire department and such information shall be for local fire department or local law enforcement use only.

3 Contingency. If HB 117 of the 2007 legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on the effective date of HB 117. If HB 117 of the 2007 legislative session does not become law, section 2 of this act shall not take effect.

4 Effective Date.

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

II. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2007-1794s

AMENDED ANALYSIS

This bill establishes that the statute of limitations for a fire code violation begins to run only upon the actual discovery of the violation.

This bill also places certain restrictions on an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities, contingent upon the enactment of HB 117 of the 2007 legislative session.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 743, relative to the rights of crime victims while making a victim impact statement. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 827-FN, relative to the reasonable cost of medical support for dependent children. Judiciary Committee. Ought to Pass, Vote 2-0. Senator Foster for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 849, relative to rent payments by voucher issued by a state or municipal agency. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

HB 882-FN, relative to limitations on tort liability of government units. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Sen. Foster, Dist. 13

May 14, 2007

2007-1607s

06/04

Amendment to HB 882-FN

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

1 Limit of Liability. Amend RSA 507-B:4, I to read as follows:

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to [~~\$150,000~~] **\$275,000**. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage arising out of bodily injury, personal injury or property damage sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to [~~\$500,000~~] **\$925,000**. ***The limits applicable to any action shall be the limits in effect at the time the cause of action accrued.***

2 Limitation on Action and Claims. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed [~~\$250,000~~] **\$475,000** per claimant and [~~\$2,000,000~~] **\$3,750,000** per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter. ***The limits applicable to any action shall be the limits in effect at the time the cause of action accrued.***

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

2007-1607s

AMENDED ANALYSIS

This bill increases the cap for tort liability of governmental units.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 83, relative to the deliberations of the board of tax and land appeals under the right-to-know law. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Public and Municipal Affairs

May 15, 2007

2007-1641s

01/09

Amendment to HB 83

Amend RSA 71-B:7-b as inserted by section 1 of the bill by replacing it with the following:

71-B:7-b Board Meetings. The board's deliberative processes in adjudicatory proceedings held pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A. Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they have been reduced

to writing, signed by a quorum of the board, and served upon the parties. Discussions and actions by the board concerning procedural, administrative, legal, and internal matters shall be exempt from the meeting and notice provisions of RSA 91-A:2.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 866, relative to the right-to-know law application to public utilities commission matters. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 54, establishing a commission to study automobile recycling issues. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator DeVries for the committee.

Transportation and Interstate Cooperation

May 16, 2007

2007-1687s

08/10

Amendment to HB 54

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 commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chairperson of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007. The commission shall make a final report of its findings, if any, and recommendations for proposed legislation, if any, to the speaker of the house of representatives, the president of the senate, the chairperson of the house executive departments and administration committee, the chair person of the environment and agriculture committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

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

6 Repeal. The study commission established in this act relative to automobile recycling issues, is repealed effective November 1, 2008.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 64-FN, relative to driving a commercial motor vehicle while violating an out-of-service order. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Kelly for the committee.

Transportation and Interstate Cooperation

May 16, 2007

2007-1677s

03/10

Amendment to HB 64-FN

Amend the bill by replacing section 1 with the following:

1 Disqualification and Out-of-Service Orders. RSA 263:93-a is repealed and reenacted to read as follows:
263:93-a Disqualification and Out-of-Service Orders.

I. Notwithstanding any law to the contrary, any person who knowingly drives a commercial motor vehicle that is subject to an out-of-service order shall be guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for any subsequent offense within a 10-year period, and the person's commercial driver license or privilege to drive may be suspended for 90 days for a first offense, for one year for a second offense within a 10-year period, or for 3 years for a third or subsequent offense within a 10-year period.

II. Any person who knowingly transports hazardous materials in a commercial motor vehicle that is subject to an out-of-service order or who operates a commercial motor vehicle designed or used to transport 15 or more passengers, including the driver, while such vehicle is subject to an out-of-service order shall be guilty of a misdemeanor and the person's commercial driver license or privilege to drive may be suspended for 180 days for a first offense, or for 3 years for a second or subsequent offense within a 10-year period.

III. Any person who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order shall be:

(a) If a natural person, guilty of a class B misdemeanor for a first offense, or a class A misdemeanor for a second or subsequent offense within a 10-year period.

(b) If any other person, guilty of a class A misdemeanor.

IV. If a driver or employer is defaulted for failing to appear in court after being charged under paragraphs I-III, the court shall enter a guilty finding.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 397, relative to restricted drivers' licenses. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator DeVries for the committee.

Transportation and Interstate Cooperation

May 16, 2007

2007-1676s

03/01

Amendment to HB 397

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Restricted Licenses; Corrective Eye Surgery. Amend RSA 263:13 by inserting after paragraph V the following new paragraph:

VI. If the department issues a license restricting the holder's operation because of a visual impairment or deficiency, the director shall enter a rescission of the restriction in the records of the department if the holder of the license has received surgery to correct his or her vision and now has a visual acuity of 20/40 or better as verified by a test administered by the department at no cost to the holder.

2007-1676s

AMENDED ANALYSIS

This bill requires the director of the division of motor vehicles to update the records of certain restricted licensees following corrective eye surgery.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 448-L, relative to early renewals of vehicle registrations. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

HB 731, relative to the use of vehicle information or location tracked by an electronic toll collection system. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

Senate Transportation

May 16, 2007

2007-1682s

06/09

Amendment to HB 731

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

1 Evasion of Tolls and Charges. Amend RSA 236:31, VI to read as follows:

VI.(a) The department, and any designee of the department, shall maintain the confidentiality of all information acquired in connection with the administration and enforcement of toll evasion, including but not limited to credit and account data, photographs or other images, and all personally identifying information obtained relative to owners of vehicles. Such information shall not be a public record subject to disclosure under RSA 91-A and shall be used solely for enforcement of this section.

(b) The department, or any agent that has contracted with the department to gather, collect, maintain, store, or collate any information acquired in connection with the administration and enforcement of toll collection, shall not use, share, reveal, duplicate, sell, provide access to, or by any other means use, or allow other entities to use, such information.

VII. The transponders and the monitoring system used in electronic toll collection shall not be used to track or determine the location of a vehicle or be used to collect information, including but not limited to the name, street address, post office box number, license, or billing information, about the individual and vehicle associated with the transponder, except at each point where a toll is collected or incurred.

VIII. Nothing in this section shall prevent access to the data collected in the administration and enforcement of toll collection by a certified law enforcement officer conducting an investigation undertaken pursuant to a court order, or in exigent circumstances.

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

2007-1682s

AMENDED ANALYSIS

This bill:

I. Prohibits use of the electronic toll collection system and the electronic toll collection monitoring system to track or locate a vehicle except at the point where a toll is collected or incurred.

II. Prohibits the use of information collected in connection with toll collection except under certain circumstances.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority. Transportation and Interstate Cooperation Committee. Re-refer to committee, Vote 3-2. Senator Burling for the committee.

The question is on the adoption of the committee report of re-refer.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 13 - Nays: 11

Adopted.

HB 754-FN is re-referred to the Transportation and Interstate Cooperation Committee.

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations, and redefining “business activity” for purposes of the business profits tax. Ways and Means Committee. Re-refer to committee, Vote 4-0. Senator Odell for the committee.

Adopted.

HB 351 is re-referred to the Ways and Means Committee.

HB 598-FN-A, repealing certain foreign dividend deductions under the business profits tax and repealing an exemption to the real estate transfer tax. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 599-FN, relative to fees for meals and rentals licenses. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

HB 733-FN, relative to certain authority and procedures of the department of revenue administration. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

HB 844-FN, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Adopted.

Ordered to third reading.

HB 248, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund. Wildlife, Fish and Game Committee. Ought to Pass, Vote 4-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

HB 498-FN-A, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department. Wildlife, Fish and Game Committee. Ought to Pass, Vote 3-1. Senator Gallus for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 623-FN, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account. Wildlife, Fish and Game Committee. Ought to Pass, Vote 4-0. Senator Janeway 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 43, relative to the procedure for establishing Medicaid reimbursement rates, establishing a committee to study Medicaid payments for hospital-based physician and outpatient services, and establishing a moratorium on certain reimbursement policy changes pending the results of the study.

HB 46-FN-A-L, making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.

HB 49, relative to eligibility for admittance to the New Hampshire veterans' home.

HB 54, establishing a commission to study automobile recycling issues.

HB 64-FN, relative to driving a commercial motor vehicle while violating an out-of-service order.

HB 83, relative to the deliberations of the board of tax and land appeals under the right-to-know law.

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

HB 180-FN, relative to pay and allowances for officers and enlisted members of the national guard.

HB 221, removing the requirement that the department of transportation report certain information relative to highway activity to the department of administrative services.

HB 248, eliminating separate dedicated accounts in the fish and game department and transferring the sums into the fish and game fund.

HB 252-FN, relative to exemptions from the permitting process for excavating and dredging.

HB 273-FN, relative to special needs trusts.

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

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

HB 336, requiring notice of the classifications of employee and independent contractor.

HB 337, relative to penalties for failure to have workers' compensation coverage and continually appropriating a special fund.

HB 344, relative to conduct of recounts.

HB 395-FN, relative to penalties for computer crime.

HB 397, relative to restricted drivers' licenses.

HB 439, relative to certain rulemaking authority of the commissioner of environmental services.

HB 446, relative to criminal threatening in a safe school zone.

HB 448-L, relative to early renewals of vehicle registrations.

HB 471-FN-A, relative to workers' compensation compliance in the construction sector and continually appropriating a special fund.

HB 480, relative to party columns listing names on ballots.

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).

HB 499, relative to the innovative research center.

HB 534, relative to political committees of political parties.

HB 554, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office in Concord.

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

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

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

HB 599-FN, relative to fees for meals and rentals licenses.

HB 602-FN, relative to child support enforcement. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Foster for the committee.

HB 623-FN, establishing a game management account in the fish and game fund and transferring certain other fish and game accounts into the game management account.

HB 653, relative to the determination of benefits, funding, and administration of the New Hampshire retirement system.

HB 661-FN-A, establishing an executive planning commission on special education.

HB 685, prohibiting New Hampshire from participating in a national identification card system.

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

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

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

HB 731, relative to the use of vehicle information or location tracked by an electronic toll collection system.

HB 733-FN, relative to certain authority and procedures of the department of revenue administration.

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

HB 743, relative to the rights of crime victims while making a victim impact statement.

HB 767, relative to insurance for volunteer drivers.

HB 813-FN, expanding the definition of income of the land conservation investment program monitoring endowment.

HB 844-FN, authorizing the commissioner of revenue administration to issue demands for records for purposes of interest and dividends tax audits and to seize and destroy unstamped and invalidly stamped tobacco products.

HB 849, relative to rent payments by voucher issued by a state or municipal agency.

HB 866, relative to the right-to-know law application to public utilities commission matters.

HB 876-FN-L, establishing a commission to make recommendations to ensure the long-term viability and sustainability of the New Hampshire retirement system.

HB 882-FN, relative to limitations on tort liability of government units.

HB 895-FN, relative to licensure of court reporters.

HB 914-L, establishing a committee to study issues related to cooperative school districts.

ANNOUNCEMENTS

Senator Barnes Rule #44.

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of scheduling hearings, sending and receiving messages, and processing enrolled bill reports and enrolled bill amendments.

Adopted.

In recess to the Call of the Chair.