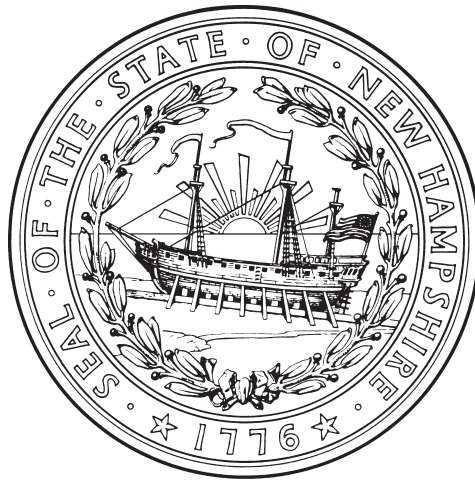


March 22, 2007
Nos. 8 - 9

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 15, 2007 SESSION
COMMENCEMENT – MARCH 22, 2007 SESSION

SENATE JOURNAL 8 (*Cont.*)

March 15, 2007

INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 262 to 264**, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

07-1334

SB 262, establishing a committee to study certain prohibitions on smoking. (Burling, Dist 5: Health and Human Services)

07-1335

SB 263, establishing a committee to study Medicaid payments for hospital-based physicians and outpatient services and establishing a moratorium on certain reimbursement policy changes pending the study's recommendations. (Burling, Dist 5: Health and Human Services)

07-1336

SB 264, relative to filing liens on personal and real property to recover uncollected small claims judgments. (DeVries, Dist 18; Reynolds, Dist 2; Judiciary)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 37, relative to notification requirements for criminal offenders.

HB 56, relative to the definition of agritourism.

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

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 37 to HCR 4**, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 37, relative to notification requirements for criminal offenders. (Judiciary)

HB 56, relative to the definition of agritourism. (Energy, Environment and Economic Development)

HCR 4, recognizing the sacrifices and service of New Hampshire Air Force veterans on the 60th anniversary of the United States Air Force. (Election Law and Internal Affairs)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 9

March 22, 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.

Thank You, Lord, for the people, the country's, and the cultures, who make a difference in our lives, our children, our parents, and our heritage. Help us to find ways to dance our lives so that they are truly honored. Amen

Senator Roberge led the Pledge of Allegiance.

Senator Kelly is excused for the day.

INTRODUCTION OF GUESTS COMMITTEE REPORTS

SB 223-FN, establishing a New Hampshire medal of honor. Election Law and Internal Affairs. Ought to pass with amendment, Vote 5-0. Senator Letourneau for the committee.

Election Law and Internal Affairs
March 14, 2007
2007-0638s
09/04

Amendment to SB 223-FN

Amend the bill by replacing section 1 with the following:

1 New Subdivision; New Hampshire Medal of Honor. Amend RSA 110-B by inserting after section 80 the following new subdivision:

New Hampshire Medal of Honor

110-B:81 New Hampshire Medal of Honor.

I. There is established a New Hampshire medal of honor which may be awarded on behalf of the people of the state of New Hampshire to an individual who was killed in action on or after January 1, 1991, while:

- (a) Engaged in an action against an enemy of the United States;
- (b) Engaged in military operations involving conflict with an opposing foreign force;
- (c) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or
- (d) Serving in a combat zone as designated by Presidential order.

II. The adjutant general shall cause the name of a recipient of the New Hampshire medal of honor to be entered on a New Hampshire medal of honor roll.

III. Individuals eligible to receive the New Hampshire medal of honor include:

- (a) Members of the New Hampshire national guard at the time they were killed in action.
- (b) Members of the United States military reserves who were legal residents of New Hampshire at the time they were killed in action.
- (c) Members of the United States armed forces who were:
 - (1) Legal residents of New Hampshire at the time they were killed in action; or
 - (2) Stationed in New Hampshire by a proper order of the United States Department of Defense at the time they were killed in action; and

IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the house of representatives, or the senator or a member of the house of representative representing the town or city of residence of the individual killed in action.

V. The adjutant general, with the approval of the governor and council, shall design and provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall design and maintain a New Hampshire medal of honor roll, which shall be available for public viewing.

VI. The governor shall present the New Hampshire medal of honor awarded under this section to the family members of the recipient.

2007-0638s

AMENDED ANALYSIS

This bill establishes a New Hampshire medal of honor which may be awarded on behalf of the citizens of the state of New Hampshire to individuals killed in action on or after January 1, 1991.

Amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 214-FN-A, making a capital appropriation to the department of administrative services to fund acquisition of land on which to build a facility for the Hampton-Exeter district court. Capital Budget Committee. Inexpedient to Legislate, Vote 2-1. Senator D'Allesandro for the committee.

Committee report of inexpedient to legislate is adopted.

SB 183-FN, requiring health insurance plans for family coverage to extend to dependents through age 25. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

Sen. Sgambati, Dist. 4

March 14, 2007

2007-0612s

01/04

Amendment to SB 183-FN

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

2007-0612s

AMENDED ANALYSIS

This bill requires health insurance plans to cover dependent children through age 25 whether or not they are students.

SPECIAL ORDER

Senator Gottesman moved that **SB 183-FN**, requiring health insurance plans for family coverage to extend to dependents through age 25, be made a special order for March 22, 2007 at 1:30 p.m.

Without objection.

SB 82-FN, reorganizing the administration and governance of the regional community-technical college system. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Fuller Clark for the committee.

Sen. Gottesman, Dist. 12
March 7, 2007
2007-0488s
04/10

Amendment to SB 82-FN

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

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

~~[REGIONAL COMMUNITY-TECHNICAL COLLEGES]~~

COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE

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

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

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

188-F:3 Legislative Oversight.

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

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

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

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

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

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

(h) One member from the law enforcement community.

(i) Five members from the general public.

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

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

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

188-F:5 Operation of Board of Trustees.

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

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

III. At least one trustee shall be from each executive council district.

IV. Ten voting members shall constitute a quorum required to transact official business.

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

VI. The board shall hold regular meetings no less than once every 3 months. The chairperson shall call special meetings upon the written request of any 5 board members or upon the chairperson's own motion.

VII. All board members shall be New Hampshire residents.

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

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

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

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

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

III.(a) Appoint and fix the compensation of a chancellor of the community college system of New Hampshire who shall serve as the chief executive officer of the community college system, as the community col-

lege system's primary liaison with the general court and other elements of state government, and as chief spokesperson for the community college system. The chancellor shall be qualified by education and experience and shall serve at the pleasure of the board.

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

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

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

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

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

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

VI. Prepare and adopt a biennial operating budget for presentation to the governor and the general court. Each college within the community college system of New Hampshire and the chancellor's office shall be considered a separate budgetary unit. The community college system of New Hampshire shall submit its budget in the same format and at the same time as other state agencies.

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

VIII. Receive, expend, allocate, and transfer funds within the community college system of New Hampshire as necessary to fulfill the purposes of the community college system. The community college system of New Hampshire shall report the amount and purpose of all transfers from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee. The trustees shall have no authority over funds in the police standards and training council training fund established in RSA 188-F:30, or any other funds appropriated to the police standards and training council or to the Christa McAuliffe Planetarium, which shall not be commingled with any funds of the community college system of New Hampshire.

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

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

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

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

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

XIV. Grant or otherwise transfer utility easements.

XV. Authorize the construction, maintenance, renovation, reconstruction, or other necessary improvements of community college system of New Hampshire buildings, structures, and facilities.

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

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

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

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

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

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

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

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

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

188-F:8 Use of Financial and Administrative Services. The continuation of services provided by the state prior to the effective date of this section shall be at the discretion of the board of trustees.

188-F:9 The State Fund.

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

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

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

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

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

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

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

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

188-F:15 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a community college system of New Hampshire institution shall, so long as said person is so reported, listed, interned, beleaguered, besieged, or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the community college system of New Hampshire institution he or she wishes to attend which may require such proof as deemed necessary in order for a person to qualify for free tuition under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110-B:63-g Report. The chancellor of the university system on behalf of the university system and the ~~[commissioner of the regional community-technical colleges on behalf of the regional community-technical institute and colleges]~~ **chancellor of the community college system of New Hampshire on behalf of the community college system of New Hampshire** shall, no later than November 1 of each year, submit a report to the speaker of the house, the senate president, and the governor detailing the number of national guard members enrolled at postsecondary institutions for the prior fiscal year under this subdivision and the specific courses or curriculum in which such members are enrolled.

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

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

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

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

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

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

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

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

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

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

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

188-B:2 Administration. The ~~[commissioner of regional community-technical colleges]~~ **chancellor of the community college system of New Hampshire** is charged with the administration of this chapter and is authorized, within the funds appropriated therefor, to employ teachers, administrative staff and such other employees as may be necessary to carry out the provisions hereof. The ~~[commissioner]~~ **chancellor** is authorized and directed to locate the facilities for any training program hereunder at the ~~[state regional community-technical institute and colleges]~~ **community college system of New Hampshire**, and to establish and implement curricula for as many of said professions as soon as possible, and to make application for and

receive any and all federal grants or assistance available. The ~~[commissioner]~~ **chancellor** shall study the feasibility for the expansion and greater implementation of the general purposes of this chapter including the establishment of new facilities for the purposes hereunder and shall make recommendations to the next session of the legislature relative to the matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

188-F:25 Agency Attached. The police standards and training council is ~~[transferred to the department of regional community-technical colleges and is administratively attached to that department]~~ **an executive**

branch council and is not a body corporate and politic. The police standards and training council shall be administratively attached to the community college system of New Hampshire subject to the same provisions prescribed by RSA 21-G:10. The police standards and training council and the director and employees of the community college system performing the functions required by RSA 188-F:22 through RSA 188F:32-d shall be subject to RSA 7:8, RSA 541-B:1, and RSA 99-D:1, and shall be subject to attorney general review of personal service contracts in excess of \$2,500.

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

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

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

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

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

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

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

188-F:52 Administration; Review Committee.

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

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

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

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

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

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

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

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

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

(6) One senator appointed by the senate president.

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

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

III. [Repealed.]

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

V. [Repealed.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

188-F:56 Performance; Report.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official, or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior, or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the Pease development authority, division of ports and harbors, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the Pease development authority, or directors, officers, and employees of the land and community heritage investment authority, ***or trustees, officials, or employees of the community college system of New Hampshire*** seeking equitable relief or claiming damages for the negligent

or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him or her, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments, or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him or her unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading the person shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw a warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

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

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

41 Repeal. RSA 188-F:23, III, relative to the definition of the department of regional community-technical colleges, is repealed.

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 179-FN-A, establishing an automated external defibrillator trust fund and making an appropriation therefor. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Letourneau for the committee.

Sen. Burling, Dist. 5

March 7, 2007

2007-0495s

04/10

Amendment to SB 179-FN-A

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

AN ACT establishing an automated external defibrillator advisory commission.

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

1 Policy and Purpose. Each year, thousands of children and adults die from sudden cardiac arrest while participating in or attending school athletic and related activities. It is the intent of the state of New Hampshire to encourage all schools to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.

2 New Chapter; Automated External Defibrillator Advisory Commission Established. Amend RSA by inserting after chapter 195-H the following new chapter:

CHAPTER 195-I

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION

195-I:1 Automated External Defibrillator Advisory Commission Established.

I. There is hereby established an automated external defibrillator advisory commission which shall provide leadership, education, coordination, and advocacy throughout the state to implement the purposes of this chapter.

II. The commission shall consist of the following members:

- (a) The governor, or designee.
- (b) The state treasurer.
- (c) Two members of the house of representatives, one of whom shall be a member of the house education committee, appointed by the speaker of the house of representatives.
- (d) One member of the senate, appointed by the senate president.
- (e) The school nurse consultant of the department of education.
- (f) The bureau chief of the bureau of emergency medical services of the department of safety.
- (g) A physician, nominated by the New Hampshire Medical Society.
- (h) Three public members, one of whom shall have business experience, appointed by the governor.

III. The commission shall:

- (a) Meet at regular times as determined by the commission.
- (b) Review state policies to ensure the achievement of the purposes and policies of this chapter.
- (c) Review and provide coordination strategies for public and private sector efforts and agencies to raise and appropriate funds to ensure the achievement of the purposes and policies of this chapter.
- (d) Establish accounts, and accept and administer grants, donations, and other funds received by the commission to achieve the purposes and policies of this chapter.
- (e) Publish studies and reports, and hold public seminars and educational events, regarding the need to obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities.
- (f) Enter into agreements with state departments or agencies, and private sector organizations and persons, as it deems necessary, to implement and further the policies and purposes of this chapter.
- (g) Advise the general court on legislative initiatives that would further the purposes and policies of this chapter.
- (h) Perform any other tasks it deems necessary for achieving the purposes and policies of this chapter.

IV. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

V. The commission shall keep written records of all its proceedings.

VI. No member of the commission shall have any personal financial interest in the work of the commission.

VII. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this subdivision.

195-I:2 Power to Accept and Disburse Gifts and Donations. The commission shall have the authority to solicit and receive gifts or donations of any kind, and to disburse such funds to such persons as shall be determined by the commission, to achieve the purposes and policies of this chapter. Notwithstanding any provision of law to the contrary, the commission may accept gifts and donations including, but not limited to, cash gifts and real or personal property, and make disbursements of such funds as shall be determined by the commission without the approval of the governor and council.

195-I:3 Rulemaking. The automated external defibrillator advisory commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The administration, management, and procedures of the commission.

II. Procedures for determining the disbursement of any gifts and donations among schools and school districts throughout the state.

III. Any other issue which the commission deems relevant to the implementation and administration of the policies and purposes of this chapter.

195-I:4 Report. By November 1 of each year, the commission shall prepare a report regarding the status of the commission's work, including specific reports on the progress of the effort to ensure that all schools obtain and maintain automated external defibrillators at appropriate school locations for the safety and protection of students and others participating in or attending school athletic and related activities. Such report shall be submitted to the president of the senate, the speaker of the house of representatives, the governor, and the state library, and shall be posted to the state government's Internet website.

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

2007-0495s

AMENDED ANALYSIS

This bill establishes an automated external defibrillator advisory commission.

Amendment adopted.

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

Adopted.

Ordered to third reading.

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

Election Law and Internal Affairs

March 14, 2007

2007-0631s

03/05

Amendment to SB 45

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

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

MOTION TO RECOMMIT

Senator Burling moved to recommit.

Adopted.

SB 45 is recommitted to the Election Law and Internal Affairs Committee.

SB 91, relative to political contributions by labor unions. Election Law and Internal Affairs. Ought to pass with amendment, Vote 4-0. Senator Burling for the committee.

Sen. Burling, Dist. 5

March 12, 2007

2007-0552s

03/05

Amendment to SB 91

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

AN ACT relative to political contributions by corporations, partnerships, and labor unions.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 664:4, I-III, relative to prohibited political contributions by corporations, partnerships, and labor unions, is repealed.

2007-0552s

AMENDED ANALYSIS

This bill repeals the prohibitions on political contributions by corporations, partnerships, and labor unions.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 234-FN, relative to privileges, benefits, and immunities for national guard members. Election Law and Internal Affairs. Ought to Pass, Vote 3-0. Senator Burling for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 68-FN-A, making an appropriation to the department of environmental services to implement the New Hampshire estuaries project's comprehensive conservation and management plan. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Odell for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 174-FN-A-L, establishing the northern counties development authority and making an appropriation therefor. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 6-0. Senator Barnes for the committee.

Adopted.

SB 174-FN is re-referred to the Energy, Environment and Economic Development Committee.

SB 198-FN-A, requiring milfoil stickers for out-of-state boats. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 6-0. Senator Cilley for the committee.

Committee report of inexpedient to legislate is adopted.

SB 217-FN-A, establishing the New Hampshire housing and conservation planning program and making an appropriation therefor. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy, Environment and Economic Development
March 12, 2007
2007-0575s
05/03

Amendment to SB 217-FN-A

Amend the bill by replacing section 2 with the following:

2 Appropriation; Administrative Costs. The sum of \$400,000 for the biennium ending June 30, 2009 is hereby appropriated to the office of energy and planning in order to implement the housing and conservation program established in RSA 4-C:25. The office of energy and planning may use a reasonable portion of this appropriation for administrative costs.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 224-FN-A, relative to advanced technology infrastructure and continually appropriating a special fund. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 5-1. Senator Hassan for the committee.

Energy, Environment and Economic Development
March 15, 2007
2007-0704s
06/09

Amendment to SB 224-FN-A

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

AN ACT relative to the telecommunications planning and development advisory committee.

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

1 Telecommunications Planning and Development Advisory Committee. RSA 12-A:46 is repealed and re-enacted to read as follows:

12-A:46 Telecommunications Planning and Development Advisory Committee.

I. There is hereby established a telecommunications planning and development advisory committee to advise and assist the director of economic development in performing the duties established in RSA 12-A:45. The committee shall meet at least quarterly.

II. The members of the committee shall be:

- (a) The governor, or designee;
- (b) The commissioner of resources and economic development, or designee;
- (c) The commissioner of administrative services, or designee;
- (d) The chairman of the public utilities commission, or designee;
- (e) One member of the house of representatives, appointed by the speaker of the house of representatives;
- (f) One member of the senate, appointed by the president of the senate;
- (g) The chief information officer, or designee; and

(h) The following persons nominated by the commissioner of resources and economic development and appointed by the governor and council:

- (1) Two members representing residential telecommunications customers;
- (2) One member representing large business telecommunications customers;
- (3) One member representing small business telecommunications customers;
- (4) One member representing educators providing distance learning;

(5) One member representing municipal government;

(6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 7 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, Internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the commissioner.

III. In this section:

(a) "Broadband," means the transmission, between or among points specified by the user, of information of the user's choosing, with or without change in the form or content of the information as sent and received, at rates of transmission as defined by the Federal Communications Commission as "broadband".

(b) "Broadband infrastructure" means any and all equipment and facilities, including any and all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, and any and all software integral to or related to the operations, support, facilitation, or interconnection of such equipment, including upgrades, and any and all installation, operations, and support, maintenance and other functions as may be required to support the delivery of broadband.

IV. The telecommunications planning and development advisory committee shall assist the director by:

(a) Collecting, aggregating, coordinating, and disseminating information and data concerning communications services and broadband infrastructure within the state.

(b) Tracking deployment of broadband infrastructure.

(c) Continually assessing the availability of and need for broadband infrastructure in unserved or underserved areas within the state.

(d) Identifying and securing federal and other funding sources for broadband infrastructure or wireless deployment or education.

(e) Identifying opportunities for coordination among providers, consumers, and state and local governmental entities, including coordination with the statewide emergency radio networks.

(f) Creating and facilitating public awareness and educational programs to encourage the use of broadband services.

(g) Identifying and assessing opportunities to remove barriers to broadband infrastructure deployment and adoption.

V. The telecommunications planning and development advisory committee shall assist the director in preparing an inventory of the state's broadband infrastructure. This inventory shall include recommendations to:

(a) Ensure that all state citizens and businesses have access to affordable and reliable broadband service.

(b) Identify and secure federal and other funding sources for broadband infrastructure deployment or education.

(c) Identify opportunities for coordination among providers, consumers, and state and local governmental entities, including coordination with the statewide emergency radio networks.

(d) Create and facilitate public awareness and educational programs to encourage the use of broadband infrastructure.

VI. The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the committee.

VII. Other appointed members of the committee shall serve for 3 years and until a successor is appointed.

VIII. The committee shall elect a chairperson from among the members.

IX. The committee shall report its findings and recommendations to the director in the form of an interim report on or before December 1, 2007 and a final report on or before June 1, 2008.

2 Telecommunications Planning and Development Initiative and Advisory Committee; Prospective Repeal Date Amended. Amend 2000, 298:7, I as amended by 2003, 7:2 to read as follows:

I. Section 6 of this act shall take effect [~~July 1, 2008~~] **July 1, 2010**.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

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

2007-0704s

AMENDED ANALYSIS

This bill:

I. Extends the duration of the telecommunications planning and development advisory committee.

II. Broadens the scope of the committee to include broadband infrastructure.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 242-FN, establishing the intellectual property business loan development program. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 3-0. Senator Odell for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 74-FN, relative to the operation and administration of the state park system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Sen. Odell, Dist. 8

February 16, 2007

2007-0255s

03/10

Amendment to SB 74-FN

Amend the bill by replacing section 4 with the following:

4 New Sections; State Park System Advisory Council; Legislative Oversight Committee. Amend RSA 216-A by inserting after section 3-j the following new sections:

216-A:3-k State Park System Advisory Council.

I. There is established a state park system advisory council which shall consist of the following members:

(a) Eight, who shall be appointed by the governor for a term of 5 years and until a successor is appointed and qualified; and

(b) One who shall be the commissioner of the department of resources and economic development or designee, whose appointment shall be coterminous with the commissioner's tenure of office.

II. In the event of a vacancy in membership of a member appointed under paragraph I, appointment shall be made in the same manner but for the unexpired term only.

III. Members of the council shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced, and representative of each of the following areas:

(a) Manufacturing.

(b) Agriculture.

(c) Recreation.

(d) Forestry.

(e) The general public.

(f) Commerce.

(g) Marketing or public relations.

(h) Historic preservation, including the development and management of historic sites.

IV. The council shall elect a chairperson from among the membership. No member shall be eligible to serve as chairperson more than 3 years, whether or not such member's service as such has been consecutive or interrupted.

V. No more than 4 members of the council, exclusive of the commissioner of the department of resources and economic development, shall be of the same political party.

VI. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when attending to the duties of the council.

VII. The council shall:

(a) Provide advice to the director of the division of parks and recreation on issues relating to the operation and development of the state park system.

(b) Act as an advocate for the state park system.

(c) Review existing statutes relating to the state park system and recommend to the general court any changes needed to improve efficiency and clarify responsibilities in the operation of the state park system.

(d) Review all agreements, memoranda of understanding, leases, special use permits, deeds, or other legal documents to which the division of parks and recreation, or the department of resources and economic development, or both, are a party.

(e) Investigate the development of new incentives to encourage nonprofit clubs, "friends" groups, or other individuals or organizations to assist with construction, maintenance, scientific research, visitor services, and other activities required for the efficient operation of the state park system.

(f) Submit a report of its findings 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 no later than November 1 each year.

216-A:3-1 Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on the expansion and administration of the state park system. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house of representatives, one of whom shall be from the resources, recreation, and development committee, appointed by the speaker of the house of representatives, and 2 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, the chairperson of the house resources, recreation, and development committee, and the chairperson of the senate executive departments and administration committee no later than November 1 of each year.

2007-0255s

AMENDED ANALYSIS

This bill establishes a bureau of historic sites in the division of parks and recreation, revises the state park system development plan, requires an audit of the division of parks and recreation, and establishes a state park system advisory council and a legislative oversight committee.

This bill is a request of the commission to study the state park system established by 2005, 276.

Amendment adopted.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

March 22, 2007

2007-0661s

04/03

Amendment to SB 74-FN

Amend RSA 12-A:10-e as inserted by section 1 of the bill by replacing it with the following:

12-A:10-e Duties of the Bureau of Historic Sites. The bureau shall:

I. Define missions and goals for the state's historic sites and ensure accountability in the ongoing stewardship responsibilities for such sites.

II. Create a comprehensive and coordinated interpretive approach for the network of state historic sites.

III. Develop operating and management plans and policies specific to the state's historic sites.

IV. Enter into partnerships and provide effective management of partnerships with other agencies and "friends" groups connected to the state's historic sites.

V. Address the deferred maintenance of existing sites and develop a long-term maintenance plan for all state-owned historic sites.

VI. Develop sustainable funding mechanisms that include state funds, earned income, and foundation and private support.

VII. Build an operations team with cultural resource expertise and administrative, interpretive, and preservation experience, specifically, an historic sites administrator, an education and interpretive specialist, and a conservator of historic buildings.

VIII. Work collaboratively with the division of historical resources in the department of resources and economic development in the management of the state historic sites and the development of interpretive and visitor programs for students and the general public that will build ongoing recognition and appreciation for the state's historic sites.

Amend the bill by replacing section 4 with the following:

4 New Sections; State Park System Advisory Council; Legislative Oversight Committee. Amend RSA 216-A by inserting after section 3-j the following new sections:

216-A:3-k State Park System Advisory Council.

I. There is established a state park system advisory council which shall consist of the following members:

(a) Eight, who shall be appointed by the governor for a term of 5 years and until a successor is appointed and qualified; and

(b) One who shall be the commissioner of the department of resources and economic development or designee, whose appointment shall be coterminous with the commissioner's tenure of office.

II. In the event of a vacancy in membership of a member appointed under paragraph I, appointment shall be made in the same manner but for the unexpired term only.

III. Members of the council shall be residents of the state of New Hampshire, at least one of whom shall be qualified, experienced, and representative of each of the following areas:

(a) Manufacturing.

(b) Agriculture.

(c) Recreation.

(d) Forestry.

(e) The general public.

(f) Commerce.

(g) Marketing or public relations with expertise in heritage tourism.

(h) Historic preservation, including the development and management of historic sites.

IV. The council shall elect a chairperson from among the membership. No member shall be eligible to serve as chairperson more than 3 years, whether or not such member's service as such has been consecutive or interrupted.

V. No more than 4 members of the council, exclusive of the commissioner of the department of resources and economic development, shall be of the same political party.

VI. Members of the council shall serve without compensation but shall be entitled to receive mileage and expenses when attending to the duties of the council.

VII. The council shall:

(a) Provide advice to the director of the division of parks and recreation on issues relating to the operation and development of the state park system.

(b) Act as an advocate for the state park system.

(c) Review existing statutes relating to the state park system and recommend to the general court any changes needed to improve efficiency and clarify responsibilities in the operation of the state park system.

(d) Review all agreements, memoranda of understanding, leases, special use permits, deeds, or other legal documents to which the division of parks and recreation, or the department of resources and economic development, or both, are a party.

(e) Investigate the development of new incentives to encourage nonprofit clubs, "friends" groups, or other individuals or organizations to assist with construction, maintenance, scientific research, visitor services, and other activities required for the efficient operation of the state park system.

(f) Submit a report of its findings 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 no later than November 1 each year.

216-A:3-1 Legislative Oversight Committee.

I. There is hereby established a joint legislative oversight committee on the expansion and administration of the state park system. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house of representatives, one of whom shall be from the resources, recreation, and development committee, appointed by the speaker of the house of representatives, and 2 senators, appointed by the president of the senate.

II. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, the chairperson of the house resources, recreation, and development committee, and the chairperson of the senate executive departments and administration committee no later than November 1 of each year.

2007-0661s

AMENDED ANALYSIS

This bill establishes a bureau of historic sites in the division of parks and recreation, revises the state park system development plan, requires an audit of the division of parks and recreation, and establishes a state park system advisory council and a legislative oversight committee.

This bill is a request of the commission to study the state park system established by 2005, 276.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Senate Executive Departments and Administration

March 14, 2007

2007-0651s

05/01

Amendment to SB 117-FN

Amend the bill by replacing section 4 with the following:

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

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

Senate Executive Departments and Administration
March 15, 2007
2007-0691s
10/05

Amendment to SB 178-FN

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

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

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

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

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

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

SPECIAL ORDER

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

Adopted.

SB 204-FN-A, relative to collection of debts owed the state. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 205-FN, eliminating an exception to state reimbursement for drug testing for racing dogs and horses. Executive Departments and Administration Committee. Re-refer to committee, Vote 6-0. Senator Burling for the committee.

Adopted.

SB 205-FN is re-referred to the Executive Departments and Administration Committee.

SB 210-FN, relative to transferring regulation of fuel gas fitters to the board of licensing and regulation of plumbers, and making certain changes to the regulation of plumbers. Executive Departments and Administration Committee. Re-refer to committee, Vote 5-0. Senator Cilley for the committee.

Adopted.

SB 210-FN is re-referred to the Executive Departments and Administration Committee.

SB 212-FN, relative to the regulation of home inspectors. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0731s

10/04

Amendment to SB 212-FN

Amend RSA 310-A:163, 1. Glossary, as inserted by section 1 of the bill by replacing the paragraph entitled "Representative Number" with the following:

REPRESENTATIVE NUMBER:

One half of the component per room for multiple similar interior components such as windows, and electric receptacles; one half of the components on each side of the building for multiple similar exterior components

Amend RSA 310-A:165, I-II as inserted by section 1 of the bill by replacing it with the following:

I. A board of home inspectors is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be home inspectors, and one public member. Three of the appointed home inspectors shall be members of different nationally recognized home inspector associations, and the fourth shall have no affiliation with a home inspection association. The public member of the board shall be a person who is not, and never was, a member of the home inspection profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of home inspection services or an activity directly related to home inspections, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each home inspector board member shall have completed not less than 2,000 non-supervised home inspections for compensation and shall have actively practice home inspections for his or her means of livelihood during or, if retired, prior to, his or her appointment.

Amend RSA 310-A:169, I as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraphs:

(e) Be at least 18 years of age.

(f) Submit to the board a notarized criminal history records release form as provided by the New Hampshire state police, which authorizes the release of the applicant's criminal records, if any. The applicant shall bear the cost of the criminal records check.

Amend RSA 310-A:171, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Has satisfied at least one of the following 3 requirements:

(1) The applicant has performed not less than 200 non-supervised home inspections for compensation as evidenced by invoices or copies of valid inspection reports; or

(2) The applicant has done all of the following:

(A) Performed not less than 50 non-supervised home inspections for compensation;

(B) Passed the eligibility testing requirement in RSA 310-A:169; and

(C) Completed not less than 80 hours of board approved education covering all of the following core components of a residential building of 4 units or less: heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof covering, exterior and interior components, site aspects as they affect the building; or

(3) Submits to the board evidence of an equivalent combination of education and experience that, in the board's opinion, meets or exceeds the standards established in RSA 310-A:170 for licensure.

Amend RSA 310-A:176 as inserted by section 1 of the bill by replacing it with the following:

310-A:176 Reciprocity. Upon payment to the board of a fee, the submission of a written application form provided by the board, and meeting any other criteria established by the board, the board may issue a home inspector license to any person who holds a valid home inspector license issued by another state or possession of the United States, or the District of Columbia, that has standards substantially equivalent to, or exceeding those of this state, as determined by the board. The board may also enter into a written reciprocity agreement with another jurisdiction. The board shall not recognize a home inspector license issued by another jurisdiction which does not recognize a New Hampshire license issued by the board.

Amend RSA 310-A:177, as inserted by section 1 of the bill by replacing them with the following:

310-A:177 Expiration and Renewals.

I. The board shall send by mail or otherwise notification of the impending license expiration to each licensee at least 60 days prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. All licenses issued by the board shall expire after 2 years on the last day of the licensee's birth month. Such license may be renewed at any time during the following month but shall be effective on the first day of the month. The fee for renewal of all licenses issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license by submitting the required fee plus \$10 before the last day of the second month following his or her birth month. Any application received after this time shall be rejected unless accompanied by proof of successful completion of the examination required under RSA 329-B:8. A licensed residential and building inspector shall complete at least 20 hours of board-approved continuing education during each calendar year in order to maintain his or her license.

III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.

Amendment failed.

The question is on the motion of ought to pass.

Motion failed.

Senator Burling moved to re-refer.

Adopted.

SB 212-FN is re-referred to the Executive Departments and Administration Committee.

SB 233-FN, relative to exceptions for New Hampshire small brewers and relative to the definition of specialty beer. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0730s

03/01

Amendment to SB 233-FN

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

AN ACT relative to sales by beverage manufacturers and relative to the definition of specialty beer.

Amend RSA 178:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) The holder of a beverage manufacturer license may sell beverages [~~manufactured~~] on its premises to:

(1) The licensee's employees who are of legal drinking age at such discounts as are customary in the business;

(2) The general public for off-premises consumption in quantities not to exceed a single 15.5 gallon keg or the equivalent of one case of 12 ounce containers per person per day; or

(b) A holder of a beverage manufacturer license who manufactures 15,000 barrels or less during its licensing period may elect to distribute its beverages directly to retail licensees and/or to distribute its beverages pursuant to RSA 180, provided that total in-state direct retail sales do not exceed 5,000 barrels.

Amend RSA 178:12 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. If a court of competent jurisdiction holds that the provisions of this section are unconstitutional or otherwise invalid because of the differential treatment between New Hampshire beverage manufacturers and out-of-state beverage manufacturers, then the court shall remedy the legal infirmity by treating all beverage manufacturers the same as out-of-state beverage manufacturers.

Amend the bill by replacing section 3 with the following:

3 Alcoholic Beverages; Definitions; Specialty Beers. Amend RSA 175:1, LXIV-a to read as follows:

LXIV-a. "Specialty beer" means any beer as defined in RSA 175:1, VII intended for human consumption as a beverage, having an alcohol content greater than 6 percent but not more than ~~[12]~~ **14** percent by volume at 60 degrees Fahrenheit. ***Specialty beers include, without limitation, beers, ales, porters, stouts, lagers, and flavored malt beverages, but not domestic, fortified, or table wines.***

2007-0730s

AMENDED ANALYSIS

This bill eliminates restrictions on the sale by a beverage manufacturer licensee of beverages manufactured off-premises and changes the definition of specialty beer.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Foster Rule #42 on SB 233-FN.

SB 235-FN-A, relative to milk support for dairy farmers. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Cilley for the committee.

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

A roll call was requested by Senator Burling.

Seconded by Senator Fuller Clark.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SB 243-FN, relative to regulating home contractors. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Fuller Clark for the committee.

Sen. D'Allesandro, Dist. 20

March 9, 2007

2007-0541s

10/05

Amendment to SB 243-FN

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

1 New Subdivision; Regulating Home Contractors. Amend RSA 310-A by inserting after section 160 the following new subdivision:

Home Contractors

310-A:161 Purpose. The purpose of this subdivision is to provide consumer protection for the people of New Hampshire by registering home contractors.

310-A:162 Definitions. In this subdivision:

I. "Actual loss" means the amounts payable for the cost of repair, replacement, completion, or performance under the terms of a residential contracting agreement with respect to which a claim is made.

II. "Apprentice" means any person who is engaged in learning and assisting in home construction or home improvement under an apprenticeship program.

III. "Board" means the state board of registration for home contractors, established by RSA 310-A:163.

IV. "Claimant" means an owner and resident of a residential building, containing at least one but not more than 4 dwelling units, who has entered into a construction contract with a contractor to carry out construction work on such building, and who is making a claim against the contractor for failure of performance under the contract.

V. "Contract" means an agreement, written or oral, for the performance of certain residential contracting work, including all labor, goods, and services set forth under such agreement.

VI. "Employee" means any person employed by and under the direction and control of a home contractor required to be registered under RSA 310-A:169 and who performs services.

VII. "Home contractor" means any person who owns or operates a contracting business who, personally or through others, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid for residential contracting work.

VIII. "Owner" means any homeowner of a pre-existing building containing at least one but not more than 4 dwelling units, or a tenant thereof, who orders, contracts for, or purchases the services of a home contractor or subcontractor, and such owner's primary business is not rental of tenant housing.

IX. "Person" means any individual, partnership, corporation, association, or other organization.

X. "Registrant" means any contractor duly registered under the provisions of this subdivision.

XI. "Residential contracting" means the construction, reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any building containing at least one but not more than 4 dwelling units, which building or portion thereof is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building.

XII. "Subcontractor" means any person other than a supplier of material or labor, who enters into a contract, written or verbal, with a contractor for the performance of any part of the contractor's contract, or who enters into a contract with any other subcontractor for the performance of any part of the subcontractor's contract, and who does not perform work directly for an owner or tenant.

XIII. "Tenant" means a person who has entered into a lease or other contractual arrangement with the owner.

310-A:163 Board Established.

I. There shall be a state board of registration for home contractors consisting of 5 members: 2 contractors, one subcontractor, and 2 public members. Each member shall be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms.

II. Any public member of the board shall be a person who is not, and never was, a contractor, subcontractor, or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of residential contracting services or an activity directly related to residential contracting, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

310-A:164 Compensation and Expenses. Members of the board shall serve without compensation, but shall be reimbursed for all actual traveling, incidentals, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

310-A:165 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairperson and a vice-chairperson from among its members. A quorum of the board shall consist of not less than 3 members, at least one of whom shall be a public member.

310-A:166 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The design and content of all forms and applications required under this subdivision.
- II. The application procedure to register under this subdivision.
- III. The qualifications of registration applicants under this subdivision.
- IV. Registration approval, denial, renewal, suspension, or revocation as established in this subdivision.
- V. Ethical and professional standards required to be met by each registrant under this subdivision, and how disciplinary actions by the board shall be implemented for violations of these standards.
- VI. Fees authorized under this subdivision.
- VII. Procedures for the conduct of hearings consistent with the requirements of due process.
- VIII. Procedures for continuing education requirements and the approval of administrators.
- IX. Matters for the proper administration of this subdivision.

310-A:167 Fees. The board shall establish fees for registration of applicants and for renewal of registration to provide services under this subdivision, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:168 Receipts and Disbursements. The secretary of the board shall receive and account at least monthly for all moneys derived under the provisions of this subdivision, and shall pay the same to the state treasurer. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this subdivision. Under no circumstances shall the total amount of payments made exceed the amount of fees collected. Any balance in this account shall lapse at the end of each fiscal year.

310-A:169 Registration of Contractors Required; Registration by Corporation or Partnership.

I. The board shall register home contractors. When issued, a registration shall be valid throughout the state, and the registrant shall be entitled to perform the work of a home contractor anywhere within the state without any payment or additional fee. Each applicant for registration shall present to the secretary of the board on a form furnished by the board a written application for registration, containing such relevant information as the board may require, accompanied by the required fee.

II. No contractor shall undertake, offer to undertake, or agree to perform residential contracting services unless registered therefor with the approval of the board.

III. It shall be the duty of the board to issue and deliver a certificate of registration to all applicants who have applied for and have been approved for registration pursuant to this subdivision.

310-A:170 Application for Registration; Required Information. In order to be registered as a contractor, an applicant shall make a written application under oath to the board on a form provided by the board. Said application shall set forth information that includes, but shall not be limited to:

- I. The applicant's name and physical business address exclusive of post office box addresses.
- II. The names and addresses of all owners, partners, or trustees of an applicant including, in case of corporate entities, the names and addresses of all officers and directors, and evidence of registration with the secretary of state under RSA 293-A, 305-A, or 349, as appropriate. If such corporate information is accurately reflected in the articles of organization or amendments thereto, or a current annual report of condition or other documents on file with the secretary of state or the Securities and Exchange Commission, a copy of the relevant sections of such filing shall satisfy the application requirements specified in this paragraph.
- III. Whether the applicant has ever been previously registered or licensed in this state under this subdivision, or in another jurisdiction as a contractor, under what other business and trade names he or she was previously registered, and whether any of the registrations have ever been suspended or revoked.

310-A:171 Registration Applications to be Public Records; Display of Registration Number by Contractors.

I. The board shall keep on file, in convenient form and open to public inspection, all applications for registration and copies of registrations issued and the names of all contractors whose registration has been revoked, suspended, or surrendered.

II. Every written contract, building permit, and advertisement shall display the contractor's certificate of registration number.

310-A:172 Changes of Name or Address; Procedure Upon Expiration of Certificate; Replacement Certificates.

I. Every registered contractor shall notify the board within 30 days of any change of trade name or address.

II. Upon the expiration, termination, or voluntary surrender of a registration, the registrant shall deliver the registration to the board, which shall cancel the registration and endorse the date of expiration, termination, or surrender.

III. If a certificate of registration is lost, misplaced, or destroyed, the registrant shall file an affidavit to that effect and the board, for a nominal fee, shall issue a replacement registration, clearly identified as such, both on the certificate of registration and in the records of the board.

310-A:173 Expiration and Renewal of Registration. Regardless of any outstanding registration to the contrary, all registrations issued by the board shall expire biennially on the last day of the month of the registrant's birth, but may be renewed during the following month, retroactive to the first day of the month. The fee for renewal of all registrations issued under this subdivision shall be established by the board. Upon failure to pay the renewal fee within the required period, a registrant may renew the registration by submitting the required fee plus \$10 before the last day of the second month following the month of the registrant's birth. Any application received thereafter shall be rejected, unless accompanied by a new written application pursuant to RSA 310-A:169 and RSA 310-A:170.

310-A:174 Mandatory Continuing Education Requirements.

I. Effective January 1, 2010, annual applications for renewal submitted to the board pursuant to RSA 310-A:173 shall include a certification from the registrant that mandatory continuing education coursework has been completed. To be eligible for renewal, the registrant shall have completed a minimum of 8 hours of continuing education coursework during the prior registration period.

II. Continuing education coursework shall be administrated by persons approved as administrators by the board, but shall include the Home Builders and Remodelers Association of New Hampshire, an affiliate of the National Association of Home Builders, through its Certified New Hampshire Builder Program. Approved administrators may charge registrants course and administrative fees as may be approved by the board.

III. Upon request of the board, approved administrators shall conduct an audit of a registrant's coursework for the purpose of determining minimum compliance with the educational requirements of this section. A registrant shall be considered in good standing, provided a minimum of 8 hours of continuing education coursework have been completed during the preceding registration period.

IV. Registrants holding and maintaining a current designation from the National Association of Home Builders as Certified Graduate Builder, Certified Graduate Remodeler, Certified Graduate Associate, or Certified Graduate Master Builder, or its equivalent, shall be exempt from the educational requirements of this section.

310-A:175 Grounds for Denying Registration or Renewal; Reconsideration.

I. No application for registration or renewal conforming to the requirements of this subdivision may be denied except for a finding by the board that the applicant has done one or more of the following acts which are grounds for denial:

(a) Made material omissions or misrepresentations of fact on application for registration or renewal under this subdivision.

(b) Failed to pay the registration fee required by this subdivision.

(c) Has engaged in fraud, bad faith, or unfair or deceptive acts or practices in violation of RSA 358-A in the performance of residential construction services.

(d) Failed to meet or has violated any of the requirements for a registered contractor set forth in this subdivision or has performed or is attempting to perform any act prohibited by this subdivision.

II. If a registration is refused, the applicant may, within 10 days from the date notice of refusal is mailed, make a request for reconsideration. The board shall render its decision within a reasonable period of time, but not more than 60 days following the request.

310-A:176 Suspension or Revocation of Registration; Grounds. Prior to its expiration date, a certificate of registration may be suspended or revoked by the board in accordance with the procedures and on the grounds set forth in RSA 310-A:175, or may be terminated by voluntary surrender by the registrant. Further grounds for suspension or revocation include any violation by a registrant or any agent or employee of the registrant of any of the provisions of this subdivision.

310-A:177 Prohibited Acts by Contractors.

I. The following acts are prohibited by contractors or subcontractors:

- (a) Operating without a certificate of registration issued by the board.
- (b) Abandoning or failing to perform, without justification, any contract or project engaged in or undertaken by a registered contractor, or deviating from or disregarding plans or specifications in any substantial respect without justification or the consent of the owner.
- (c) Failing to credit to the owner any payment the owner has made to the contractor the in connection with a residential contracting transaction.
- (d) Making any material misrepresentation or omission in the procurement of a contract or making any false promise of a character likely to influence, persuade, or induce the procurement of a contract.
- (e) Contracting beyond the scope of the registration as a contractor.
- (f) Acting directly, regardless of the receipt or the expectation of receipt of compensation or gain from the mortgage lender, in connection with a residential contracting transaction by preparing, offering or negotiating or attempting to or agreeing to prepare, arrange, offer, or negotiate a mortgage loan on behalf of a mortgage lender.
- (g) Acting as a mortgage broker or agent for any mortgage lender.
- (h) Publishing, directly or indirectly, any advertisement relating to home contracting which does not contain the contractor's certificate of registration number or which does contain an assertion, representation, or statement of fact which is false, deceptive, or misleading.
- (i) Advertising in any manner that a registrant is registered under this subdivision unless the advertisement includes an accurate reference to the contractor's certificate of registration.
- (j) Violating the building laws of the state or of any of its political subdivisions after receiving notice of a violation and having a reasonable opportunity to cure the violation.
- (k) Misrepresenting a material fact by an applicant in obtaining a certificate of registration.
- (l) Failing to reasonably notify the board of any change of trade name or address as required by RSA 310-A:172, I.
- (m) Conducting a residential contracting business in any name other than the one in which the contractor or subcontractor is registered.
- (n) Failing to pay within a reasonable time for materials or services properly delivered or rendered in connection with operating as a contractor where sufficient funds are received as payment for the particular construction work, project, or operation for which the services or materials were rendered or purchased.
- (o) Failing to comply with any order, demand, or requirement lawfully made by the board or attorney general under and within the authority of this subdivision.
- (p) Demanding or receiving payment in violation of RSA 310-A:179, I(f).
- (q) Violating any other provision of this subdivision.

II. Violations of this section may subject the violator to administrative sanctions and penalties described in RSA 310-A:182.

III. Violations of any of the provisions of this section shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2 and subject the violator to the penalties of RSA 358-A.

310-A:178 Persons Exempt From Registration Requirement. The following persons are not required to be registered under this subdivision:

I. The state or any of its political subdivisions.

II. Any school, public or private, offering as part of a vocational education program courses and training in any aspects of home contracting.

III. Electricians, plumbers, architects or any other persons who are required by New Hampshire law to attain standards of competency or experience as a prerequisite to licensure for and engaging in such profession and who are acting exclusively within the scope of the profession for which they are currently licensed pursuant to such other law, construction supervisors excepted.

IV. Persons dealing in the sale of goods or materials who neither arrange to perform nor perform directly or indirectly any work or labor in connection with the installation of or application of the goods or materials.

V. Persons building their own homes or personally doing the renovations.

VI. Subcontractors and employees who perform labor or services for a contractor registered under this subdivision and who does not act in the capacity of a contractor.

VII. Any contractor who works on one undertaking or project by one or more contracts where the aggregate contract price is less than \$1,500, provided, however, that the contract is not in an amount of less than \$1,500 for the purpose of evading this subdivision.

VIII. Any person who engages in the business of a contractor on other than a full-time basis, and who has earned in gross revenues, as a contractor, less than \$10,000 in the previous 12-month period.

IX. Any person acting as a contractor who was enrolled as a full-time student in a secondary school or college with degree granting authority from the government of the state in which the school is located for the immediately preceding academic semester, and is also enrolled as a full-time student for the next academic semester in the same or a similar degree granting secondary school or college, provided that at least 2/3 of the number of the employees of the contractor are similarly enrolled in secondary schools or colleges and that the contractor does not reasonably expect to earn or does not in fact earn, in gross revenues, more than \$5,000.

X. Persons who install central heating systems, air-conditioning systems, energy-conservation devices, or provide conservation services conducted by or on behalf of a public utility.

310-A:179 Residential Contracting Agreements; Owner to be Given Copy of Agreement; Alternative Dispute Resolution Clauses Permitted.

I. Every agreement to perform residential contracting services, between a contractor and an owner, that requires an initial down payment or deposit or involves a total contract price in excess of \$5,000 shall require a written agreement and shall include the following minimum information:

(a) The full name, physical business address, and registration number of the contractor who solicited or negotiated the contract, and the date when the contract was executed by the parties.

(b) The anticipated date on which the work under the contract is scheduled to begin and the anticipated date on which the work is scheduled to be substantially completed.

(c) A detailed description of the work to be done and the materials to be used in the performance of the contract.

(d) The total amount agreed to be paid for the work to be performed under the contract.

(e) Where applicable, a time schedule of payments to be made under the contract and the amount of each payment stated in dollars, including all finance charges. Any deposit required under the contract to be paid in advance of the commencement of work under the contract shall not exceed the greater of 1/3 of the total contract price or the total of the actual cost of any materials or equipment of a special order or custom-made nature, which must be ordered in advance of the commencement of work, in order to assure that the project will proceed on schedule. No final payment shall be demanded until the contract is substantially completed.

(f) The signatures of all parties shall be affixed to the contract.

(g) There shall be a clear and conspicuous notice appearing in the contract:

(1) That all contractors must comply with this subdivision and that any inquiries about a contractor relating to a registration should be directed to the board.

(2) Of the registration number of the contractor.

(3) Of an owner's 3 day right of rescission under RSA 361-B:2, when applicable.

(4) Of any warranties offered and the owner's rights under the provisions of this subdivision.

(5) In 10 point bold type or larger, directly above the space provided for the signature, "Do not sign this contract if there are any blank spaces."

(6) Of any lien placed on or security interest pledged on the residence as a consequence of the contract.

(7) A statement describing any liability insurance maintained by the contractor.

(8) A statement to homeowners pursuant to RSA 359-G:7, when applicable.

(h) An enumeration of such other matters upon which the owner and the contractor may lawfully agree, provided, however, that no such agreement may waive any rights conveyed to the owner under the provisions of this subdivision.

(i) Any other provision otherwise required by the applicable laws of the state.

II. No contract shall contain an acceleration clause under which any part or all of the balance not yet due may be declared due and payable because the holder deems himself or herself to be insecure. However, where the contractor deems himself or herself to be insecure, he or she may require as a prerequisite to continuing the work that the balance of funds due under the contract be placed in a joint escrow account requiring the signature of the contractor and the owner for withdrawal.

III. At the time of signing, the owner shall be furnished with a copy of the contract signed by both the contractor and the owner. No work shall begin prior to the signing of the contract and transmittal to the owner of a copy of such contract.

IV. Any contract entered into between a contractor and owner shall require the contractor to inform the owner of all necessary permits.

V. Any contract entered into between a contractor and owner may provide that the contractor may initiate alternative dispute resolution through any mediation or arbitration services approved by the board, provided that the alternative dispute resolution provision is clearly and conspicuously disclosed in the contract. Any contract that includes a mediation arbitration provision shall also authorize the parties to opt out of the mediation or arbitration provision and to seek a remedy in a court of competent jurisdiction.

VI. Contracts which fail to comply with the requirements of this section shall not be invalid solely because of noncompliance.

310-A:180 Enforcement of Subdivision; Court Action; Mediation or Arbitration.

I. Any party may bring an action to enforce any provision of this subdivision, or to seek damages subject to the provisions of this subdivision, in the superior court, the district court, or the small claims court, subject to each court's jurisdictional requirements.

II. In the alternative, any party may request that a dispute resulting from and relating to residential contracting be decided under the terms of a mediation or arbitration program approved by the board.

310-A:181 Mediation and Arbitration Services Program; Three-Year Limitations Period; Appeals.

I. There shall be a mediation and arbitration services program approved by the board, to consider disputes between owners and registered contractors, concerning or arising from contracts for residential contracting services. No claim may be filed for mediation or arbitration after 3 years from the date of the contract.

II. All registered contractors who enter into contracts for residential contracting impliedly consent to the provisions contained in this section.

III. A contractor who is required to submit to arbitration as a result of an owner's application for arbitration may file a counterclaim, based on or arising from the same contract, in that arbitration.

310-A:182 Penalties.

I. If the board determines that any registrant is liable for a violation of any of the provisions of this subdivision, the board may suspend the registrant's certificate of registration for such period of time as shall be determined by the board not to exceed 5 years, revoke the registrant's certificate of registration, or reprimand the registrant.

II. The board may assess an administrative penalty not to exceed \$2,000, payable within 30 days of its order, for each violation of any provision of this subdivision committed by contractors who are registered or who are required to be registered under this subdivision.

III. In determining whether to impose an administrative penalty, the board shall consider the seriousness of the violation, the deleterious effect of the violation on the complainant, any good faith on the part of the contractor, and the contractor's history of previous violations.

IV. Any contractor who knowingly operates without obtaining a certificate of registration as required by this subdivision and who is not otherwise exempt from the registration requirement or any contractor who continues to operate after revocation of or during suspension of, or who fails to renew his or her certificate of registration, shall be guilty of a misdemeanor.

V. Such penalties may be sought in an action brought by the attorney general, county attorney, or police department, pursuant to RSA 358-A, and shall be in addition to any administrative penalty otherwise applicable.

310-A:183 Subdivision Not to Lessen Individual Responsibility. This subdivision shall not be construed to relieve or lessen the responsibility of any person registered under this subdivision, nor shall the state be deemed to have assumed any such liability by reason of the issuance of registration.

2 New Subparagraph; Consumer Protection and Antitrust Bureau; Duties. Amend RSA 21-M:9, II by inserting after subparagraph (u) the following new subparagraph:

(v) Enforcing the provisions of RSA 310-A:161 through RSA 310-A:183, relative to home contractors.

3 Reference to Joint Board. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy and the joint board of ~~[engineers, architects, land surveyors, and natural scientists]~~ **licensure, certification, and registration** shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

4 Chapter Heading; Joint Board. The chapter heading preceding RSA 310-A is repealed and reenacted to read as follows:

JOINT BOARD OF LICENSURE, CERTIFICATION, AND REGISTRATION

5 Joint Board Established. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of **licensure, certification, and registration** for professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists, ~~[and]~~ landscape architects, **and home contractors** consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, ~~[and]~~ the board of landscape architects, **and the board of registration for home contractors**. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

6 Repeal. RSA 310-A:97, relative to the joint board chapter title reference, is repealed.

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

2007-0541s

AMENDED ANALYSIS

This bill establishes a board for the registration of home contractors within the joint board of licensure and certification. The attorney general has additional enforcement authority under the consumer protection act.

Amendment adopted.

Senator Clegg offered a floor amendment.

Sen. Clegg, Dist. 14

March 22, 2007

2007-0951s

10/04

Floor Amendment to SB 243-FN

Amend RSA 310-A:174 as inserted by section 1 of the bill by replacing it with the following:

310-A:174 Mandatory Continuing Education Requirements.

I. Effective January 1, 2010, annual applications for renewal submitted to the board pursuant to RSA 310-A:173 shall include a certification from the registrant that mandatory continuing education coursework has been completed. To be eligible for renewal, the registrant shall have completed a minimum of 8 hours of continuing education coursework during the prior registration period.

II. Continuing education coursework shall be administrated by persons or groups approved as administrators by the board. The approved administrators may charge registrants course and administrative fees as may be approved by the board.

III. Upon request of the board, approved administrators shall conduct an audit of a registrant's coursework for the purpose of determining minimum compliance with the educational requirements of this section. A registrant shall be considered in good standing, provided a minimum of 8 hours of continuing education coursework have been completed during the preceding registration period.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Clegg.

Seconded by Senator Barnes.

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

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

Yeas: 10 - Nays: 13

Floor amendment failed.

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

A roll call was requested by Senator Foster.

Seconded by Senator Barnes.

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

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

Yeas: 16 - Nays: 7

Adopted.

Ordered to third reading.

SB 249-FN, establishing a new position and relative to the realignment of functions in the department of corrections. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 4-2. Senator Burling for the committee.

Senate Executive Departments and Administration

March 15, 2007

2007-0734s

04/01

Amendment to SB 249-FN

Amend the bill by inserting after section 7 the following and renumbering the original sections 8-11 to read as 9-12, respectively:

8 New Subparagraph; Department of Corrections; Administrator of Women Offenders and Family Services. Amend RSA 21-H:14-b, III by inserting after subparagraph (b) the following new subparagraph:

(c) Report directly to the commissioner.

Amend the bill by replacing section 9 with the following:

9 Unclassified Salary; Deputy Commissioner. Amend RSA 94:1-a, I(b) by:

I. Deleting:

GG Department of corrections

director, division of field services

II. Inserting:

II Department of corrections

inspector general

JJ Department of corrections

deputy commissioner

2007-0734s

AMENDED ANALYSIS

This bill:

I. Establishes the unclassified positions of deputy commissioner and inspector general within the department of corrections.

II. Establishes appointment procedures for the deputy commissioner, senior physicians, and dentists, and permits the commissioner of the department of corrections to assign or reassign wardens, senior physicians, or dentists to any corrections facility.

III. Renames the division of field services to the bureau of field services.

IV. Requires the administrator of women offenders and family services to report directly to the commissioner of the department of corrections.

This bill was requested by the department of corrections.

MOTION TO TABLE

Senator Burling moved to have SB 249-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 249-FN, establishing a new position and relative to the realignment of functions in the department of corrections.

SB 102-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease. Health and Human Services Committee. Ought to pass with amendment, Vote 6-0. Senator Sgambati for the committee.

Health and Human Services

March 13, 2007

2007-0592s

01/05

Amendment to SB 102-FN

Amend RSA 141-C:16-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner, after consultation with the medical director of the department and with the written approval of the governor, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease that threatens to become epidemic or pandemic. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

Amend RSA 141-C:16-b as inserted by section 2 of the bill by replacing it with the following:

141-C:16-b Cancellation of Events. The commissioner, after consultation with the medical director of the department and with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation. Any person who is aggrieved by orders made by the commissioner and approved by the governor pursuant to this section may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, after consultation with the medical director of the department and with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing. Such decisions made by the commissioner and approved by the governor relative to any agents or equipment that has not been dispensed or allocated to any individual pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Paragraph; Volunteers for Government Agencies; Emergency Management Function. Amend RSA 508:17-a by inserting after paragraph II the following new paragraph:

II-a. For purposes of immunity, any declared public health or public safety incident shall be considered an emergency management function under RSA 21-P:41, I-II.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 114-FN, relative to licensed acute care hospitals. Health and Human Services Committee. Re-refer to committee, Vote 5-1. Senator Sgambati for the committee.

Adopted.

SB 114-FN is re-referred to the Health and Human Services Committee.

SB 129-FN, requiring interpretation services upon request for persons receiving medical treatment. Health and Human Services Committee. Ought to pass with amendment, Vote 4-2. Senator Fuller Clark for the committee.

Health and Human Services

March 14, 2007

2007-0647s

08/09

Amendment to SB 129-FN

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

1 Patients' Bill of Rights; Definitions. Amend RSA 151:19, I-a to read as follows:

I-a. ***"Clinician" means a person qualified in the clinical practice of medicine, psychiatry, or psychology. "Clinician" does not mean a person who specializes only in laboratory or research techniques or in theory.***

I-b. "Discharge" means movement of a patient from a facility to a noninstitutional setting when the discharging facility ceases to be legally responsible for the care of the patient.

2 New Paragraph; Patients' Bill of Rights; Definitions. Amend RSA 151:19 by inserting after paragraph VI the following new paragraphs:

VI-a. "Qualified interpreter" means an interpreter who is proficient in English and in the language of the patient, can accurately interpret messages communicated between patient and provider, is an adult, is

not a relative or a close friend of the patient, and has received professional training as an interpreter according to the National Standards of Practice for Interpreters in Health Care developed by the National Council on Interpreting in Health Care.

3 New Paragraph; Patients' Bill of Rights; Right to Interpreter. Amend RSA 151:21 by inserting after paragraph XX the following new paragraph:

XXI. The patient shall have the right to request to speak with an appropriate bilingual clinician if one is available. If a bilingual clinician is unavailable, the patient shall have access to an interpreter, either in person, or via a telephonic or televiewing interpreter service. The receipt by any non-English speaker of interpreter services shall not be deemed the receipt of a "public benefit" under any provision of law restricting benefits or assistance on the basis of immigrant status.

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.

SB 138-FN-A, relative to the waiting list for services to persons with developmental disabilities and acquired brain disorders and making an appropriation therefor. Health and Human Services Committee. Ought to pass with amendment, Vote 5-1. Senator Estabrook for the committee.

Health and Human Services

March 14, 2007

2007-0626s

01/09

Amendment to SB 138-FN-A

Amend RSA 171-A:1-a, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) For persons already receiving services who experience significant life changes, such as a significant change in their medical conditions, the period of time for initiation of new services shall not exceed 90 days from the amendment of the individual service agreement except by mutual agreement between the area agency and the person specifying a time limited extension.

Amend RSA 171-A:1-d as inserted by section 3 of the bill by replacing it with the following:

171 A:1-d Improvements in Capacity of Service Delivery System.

I. To ensure that the service delivery system has the capability of recruiting and retaining a sufficient number of qualified personnel at all levels and to address related issues, the following shall occur:

(a) The average salary of direct support staff employed by area agencies or providers with which area agencies contract shall increase by at least 2 percent beginning on July 1, 2007, at least 2 percent on July 1, 2008, and at least 3 percent on July 1, 2009; and based on a plan developed by the department, pursuant to paragraph II, to an amount at least at parity with the starting salary of a mental health worker I at New Hampshire hospital beginning on July 1, 2011 and thereafter.

(b) The reimbursement rate for enhanced family care providers shall increase by at least 2 percent beginning on July 1, 2008.

II.(a) Within 30 days of the effective date of this section, the department shall convene a committee which shall develop a plan to address long-term workforce and related human resources issues. The members of the committee shall be:

(1) Two representatives from the department, appointed by the commissioner.

(2) A representative of the New Hampshire Developmental Disabilities Council, appointed by the council.

(3) A representative of the Institute on Disability, university of New Hampshire, appointed by the institute.

(4) A representative of the Disabilities Rights Center, appointed by the center.

(5) A representative of the Community Support Network, appointed by the network.

(6) A representative of the New Hampshire Brain Injury Association, appointed by the association.

(7) A representative of a private provider network, appointed by the commissioner.

(8) A representative of People First of New Hampshire, appointed by such organization.

(9) Three representatives of local family support councils, appointed by the state Family Support Council.

(10) Three representatives of area agency boards of directors, appointed by the Community Support Network.

(b) The plan shall at a minimum:

(1) Provide for annual or periodic salary increases and recommendations for salary differentials or increments based on amount of experience or other factors for all staff positions at the area agency and provider level, in addition to the salary increases for direct support staff positions required by subparagraph I(a). With respect to direct support staff, the plan shall provide for a method to increase their salaries so that they are at least at parity with the mental health worker I position at New Hampshire hospital by July 1, 2011, and remain so thereafter.

(2) Provide for increased enhanced family care rates and rate structure, in addition to the rate increase specified in subparagraph I(a).

(3) Address whether and how free college tuition programs should be made available or increased to help attract and retain a qualified workforce.

(4) Address whether and how affordable health insurance should be made available to workers employed at the area agency or provider level as well as to enhanced family care providers.

(c) The department shall submit the plan to the oversight committee established in RSA 171-A:1-c, by December 1, 2007. Any members of the committee may submit additional or dissenting comments and recommendations to the committee by December 15, 2007.

III.(a) By November 1, 2008, the committee appointed in paragraph II shall develop a quality assurance and enhancement plan by building on, modifying, and improving upon the New Hampshire quality outcomes partnership process providing for:

(1) Rigorous, and where possible, measurable standards of performance expected of area agencies and providers in accordance with the purposes and requirements of RSA 171-A.

(2) Multiple procedures and processes in accordance with professionally recognized program evaluation and quality assurance standards to render determinations as to whether such standards of performance are being met.

(3) Examination of the effects of an area agency as sole provider on service delivery.

(4) Identification of the type and number of employed or contracted staff at the department and area agency level necessary to initiate and then carry out activities in subparagraph II(b), and if new staff are needed, whether they can be added through redeployment, reorganization, use of federal funding, information technology enhancements, or other initiatives without impairing other department responsibilities, and if not, the amount of new funding that will be needed.

(5) Where such quality assurance and enhancement system capacity shall be located and report to in order to ensure maximum independence and effectiveness.

(b) The department shall submit the plan to the oversight committee, established in RSA 171-A:1-c, by November 1, 2008. Any members of the committee may submit additional or dissenting comments and recommendations to the committee by November 15, 2008.

IV. The plans required by paragraphs II and III shall include a breakdown of all costs of implementation of and operation for each component and any recommendations for legislation or rules changes. The oversight committee established in RSA 171-A:1-c, shall review the plans, provide feedback to the department, and submit any proposals for legislation it deems necessary. Nothing in this section shall be construed to preclude the department from engaging in rulemaking or taking other initiatives within its authority to implement the components of the plan.

Amend the bill by replacing sections 6 and 7 with the following:

6 Entry Into Service Delivery System. Amend RSA 171-A:6, II to read as follows:

II. A comprehensive screening evaluation, coordinated by the staff of the area agency, shall determine the scope of the person's disability and the locus and nature of services to be provided ***and shall include an assistive technology evaluation both as part of the person's initial evaluation and at least on an annual basis thereafter when the person is screened for an assistive technology evaluation.*** The

commissioner shall adopt rules pursuant to RSA 541-A relative to the evaluation. The initial evaluation shall include, but not be limited to, a physical examination and individual intellectual assessment and functional behavior scales and shall take into account the provisions of and services established under RSA 186-A.

7 Oversight Committee. Amend RSA 171-A:1-c to read as follows:

171-A:1-c Oversight Committee; Establishment.

I. There shall be an oversight committee to review the allocation of funds to persons with ~~[severe] developmental disabilities [classified as priority A or B consisting]~~ **or acquired brain disorders and to assure that eligible persons receive services in a timely manner and in accordance with their needs. Such committee shall consist** of 6 members as follows:

(a) Three members of the house of representatives, one of whom shall be a member of the house health, human services and elderly affairs committee, appointed by the speaker of the house.

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

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The oversight committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by members of the committee. The clerk's term of office shall be for the biennium. The legislative members of the committee shall receive legislative mileage when in performance of their duties.

IV. The committee's duties shall include, but not be limited to:

(a) Reviewing the allocation of funds to persons with ~~[severe] developmental disabilities [classified as priority A or B]~~ **and acquired brain disorders and to monitor whether such eligible persons are having funding allocated and receiving those services in accordance with the timelines set forth in RSA 171 A:1-a, II.**

(b) Monitoring whether such eligible persons are experiencing undue delays in the other parts of the service development and implementation process from the time of application to the eligibility determination and from allocation of funds to service implementation.

(c) Monitoring systems improvements and safeguards at the department and area agency levels designed to ensure service quality and options.

~~[(b)]~~ **(d)** Making recommendations to the commissioner.

~~[(c)]~~ **(e)** Submitting quarterly reports, together with any recommendations for legislation, to the speaker of the house of representatives, the senate president, and the governor. **Each report shall address the items described under subparagraphs IV(a) and (b), and semi-annually the report shall address the items in subparagraph IV(c).**

V. The department shall make quarterly reports to the oversight committee on the status of subparagraphs IV(a) and (b) in a form prescribed by the committee. Semi-annually the report shall address the items in subparagraph IV(c).

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. Clegg, Dist. 14

Sen. Barnes, Dist. 17

Sen. Roberge, Dist. 9

Sen. Odell, Dist. 8

Sen. Downing, Dist. 22

Sen. Letourneau, Dist. 19

Sen. Bragdon, Dist. 11

Sen. Gallus, Dist. 1

Sen. Kenney, Dist. 3

March 22, 2007

2007-0937s

01/09

Floor Amendment to SB 138-FN-A

Amend RSA 171-A:1-a as inserted by section 2 of the bill by replacing it with the following:

171-A:1-a Full Funding of Services Budget; Limits of Waiting Lists. The department of health and human services and area agencies shall provide services to eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-K in a timely manner. The department and area agencies shall provide services in such a manner that:

I. For persons in school and already eligible for services from the area agencies, funds shall be allocated to them 90 days prior to their graduating or exiting the school system or earlier so that any new or modified services needed are available and provided upon such school graduation or exit.

II. For newly found eligible adults, the period between the time of completion of an individual service agreement pursuant to RSA 171-A:12 and the allocation by the department of the funds needed to carry out the services required by the agreement shall not exceed 90 days.

III. For persons already receiving services who experience significant life changes, such as a significant change in their medical conditions, the period of time for initiation of new services shall not exceed 90 days from the amendment of the individual service agreement except by mutual agreement between the area agency and the person specifying a time limited extension.

IV. Notwithstanding paragraphs I-III of this section, for fiscal years 2008 and 2009, the timelines set forth in each such subparagraph may be exceeded, provided that best efforts shall be made to meet the timelines for children graduating or exiting school and for other individuals the department determines most in need and to minimize delays with respect to others within the limits of available funding and to provide them interim services when the timelines have been exceeded by 60 days for fiscal year 2008 and 30 days for fiscal year 2009.

Senator Kenney moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

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

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

Yeas: 10 - Nays: 13

Floor amendment failed.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

March 21, 2007

2007-0912s

01/04

Floor Amendment to SB 138-FN-A

Amend RSA 171-A:1-d, III(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The department shall submit the plan to the oversight committee, established in RSA 171-A:1-c, by November 1, 2008. Any members of the committee may submit additional or dissenting comments and recommendations to the committee by November 15, 2008. The committee may choose to consult with an independent, nationally recognized organization in program evaluation and quality assurance to evaluate and report on the effectiveness of the quality assurance and enhancement system.

Floor amendment adopted.

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

A roll call was requested by Senator Hassan.

Seconded by Senator D'Allesandro.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Referred to the Finance Committee (Rule #26).

SPECIAL ORDER

SB 183-FN, requiring health insurance plans for family coverage to extend to dependents through age 25. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 4-0. Senator Gottesman for the committee.

Sen. Sgambati, Dist. 4

March 14, 2007

2007-0612s

01/04

Amendment to SB 183-FN

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

2007-0612s

AMENDED ANALYSIS

This bill requires health insurance plans to cover dependent children through age 25 whether or not they are students.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 12 - Nays: 10

Amendment adopted.

Senator Foster Rule #42 on SB 183-FN.

Senator Gottesman offered a floor amendment.

Sen. Sgambati, Dist. 4

Sen. Gottesman, Dist. 12

March 22, 2007

2007-0959s

01/09

Floor Amendment to SB 183-FN

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

AN ACT requiring health insurance plans for family coverage to extend to dependent under age 26.

Amend the bill by replacing sections 1-2 with the following:

1 Insurance; Individual; Dependent Children. Amend RSA 415:5, I(3) to read as follows:

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

(a) Is less than 26 years of age.

(b) Is unmarried.

(c) Has no dependent of his or her own.

(d) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

(e) Is not provided coverage as a name subscriber, insured, enrollee, or covered person under any other group or individual health benefits plan, group health plan, church plan or health benefits plan, or entitled to benefits under Title XVIII of the Social Security Act, Public Law 89-97, 42 U.S.C. 1395 et seq. The provision regarding dependent children shall also apply to group hospital health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans pursuant to RSA 420-B; and

2 Insurance; Group; Dependent Children. Amend RSA 415:18, IV to read as follows:

IV.(a) Any such group or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, **dependent** child or ~~[children or other dependents]~~ **any dependent under age 26**, and may provide that any such benefits be paid by the insurer directly to the hospital, physician, surgeon, doctor, nurse or other person furnishing services covered by such provision of said policy. ***In this paragraph "dependent" means a subscriber's child by blood or by law, who:***

(1) Is less than 26 years of age.

(2) Is unmarried.

(3) Has no dependent of his or her own.

(4) Is a resident of New Hampshire or is enrolled as a full-time student at a public or private institution of higher education.

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

(b) This paragraph shall also apply to group hospital health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans pursuant to RSA 420-B.

2007-0959s

AMENDED ANALYSIS

This bill requires health insurance plans to cover dependent children under the age of 26 under certain circumstances.

The question is on the adoption of the floor amendment.

Floor amendment adopted.

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

A roll call was requested by Senator Clegg.

Seconded by Senator Gatsas.

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

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

Yeas: 12 - Nays: 10

Adopted.

Senator Foster Rule #42 on SB 183-FN.

Referred to the Finance Committee (Rule #26).

SB 163-FN, relative to housing assistance for families in the Temporary Assistance to Needy Families (TANF) program. Health and Human Services Committee. Re-refer to committee, Vote 6-0. Senator Fuller Clark for the committee.

Adopted.

SB 163-FN is re-referred to the Health and Human Services Committee.

SB 176-FN, relative to lead paint poisoning and establishing a commission to study the current childhood lead poisoning prevention law, policies, and standards. Health and Human Services Committee. Ought to pass with amendment, Vote 4-2. Senator Janeway for the committee.

Health and Human Services

March 14, 2007

2007-0643s

01/09

Amendment to SB 176-FN

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

1 Lead Paint Exposure; Investigations. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141A whose blood lead level meets or exceeds [20] **10** micrograms per deciliter of whole venous blood, as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds [20] **10** micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

2 Lead Paint Exposure; Inspections. Amend RSA 130-A:6, I to read as follows:

I. The commissioner may, as part of an investigation conducted under RSA 130-A:5 [~~and after making reasonable efforts to notify the owner or the owner's agent~~], conduct an inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed [~~to~~] **upon with the owner or the owner's agent**, for the purposes of identifying the presence of lead base substances. The findings of the inspection shall be provided to the occupant, the health authority, the child's health care provider and to the owner or the owner's agent. ***If the leased or rented dwelling has multiple units, the commissioner shall conduct inspections of all other dwelling units of the leased or rented dwelling with the owner or owner's agent for the purposes of identifying the presence of lead base substances. The findings of these inspections shall be provided to the occupant, the health authority, and the owner or the owner's agent.*** When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(a), (b) or (c), the commissioner shall issue an order requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(d), the commissioner may issue an order requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. A copy of the order shall be provided to the occupants of the dwellings or dwelling unit, to the occupants of any adjacent or attached dwellings or dwelling units having the same owner and where a child resides, and to the health authority. An order shall be issued in accordance with RSA 130-A:7.

3 Lead Paint Exposure; Property Owner Notification. Amend RSA 130-A:6-a, I and II to read as follows:

I. The department shall make reasonable efforts to notify in writing the owner of a dwelling or dwelling unit where the child resides if lead levels of [~~10 to 19.9~~] **7.5 to 9.9** micrograms per deciliter are found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction.

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a blood level of [~~10 to 19.9~~] **7.5 to 9.9** micrograms per deciliter shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the department pursuant to paragraph I, is based on the child's elevated blood lead level. If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the department discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

4 Lead Paint Exposure; Enforcement. Amend RSA 130-A:7, V to read as follows:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or enclose the lead exposure hazards or remove the dwelling or dwelling unit from the rental market. ***For orders issued in leased or rented dwellings where no child resides or frequents regularly at the time of inspection and issuance of the order, interim controls may be used for a period exceeding 2 years with the prior written approval of the commissioner and if an acceptable action plan is adopted and in place at the department to address compliance with the intent of this section. The commissioner shall adopt rules, under RSA 541-A, for the procedures for extensions of interim controls.***

5 Lead Paint Exposure; Prohibitions. Amend RSA 130-A:9, II through IV to read as follows:

II. No person shall perform or cause to be performed a lead inspection or lead risk assessment, as defined in HE-P [1602:44] **1600**, in a dwelling or dwelling unit or in a child care facility in any manner other than as provided for in rules adopted under RSA 130-A:10.

III. No child or pregnant woman shall be present in a leased or rented dwelling or dwelling unit, or in a child care facility, during the period of lead hazard reduction when the method of reduction causes the release of lead base substances which may be inhaled or ingested. The dwelling or dwelling unit or the child care facility shall not be reoccupied until an inspection is performed which indicates the lead exposure hazard has been reduced. The commissioner shall include this prohibition in any order issued under RSA 130-A:7.

IV. No person performing inspections or lead risk assessments, as defined in HE-P [1602:44] **1600**, for the presence of lead base substances as a lead inspector or lead risk assessor after lead hazard reduction shall perform or have performed the lead hazard reduction.

6 Lead Paint Exposure; Rulemaking. Amend RSA 130-A:10, IV to read as follows:

IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors, lead abatement contractors, for certification of lead abatement workers and lead clearance testing technicians, for testing resulting from investigations[, for certification of laboratories], for certifications of training programs, and for notifications under RSA 130-A. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

7 Rulemaking. Amend RSA 130-A:10, VI to read as follows:

VI. Procedures for issuing orders under RSA 130-A:7, including procedures for extending the time available for lead hazard reduction ***and interim controls for leased or rented dwellings where no child resides at the time of inspection and issuance of the order.***

8 Lead Paint Exposure; Administrative Fines. Amend RSA 130-A:14 to read as follows:

130-A:14 Administrative Fines. The commissioner, after notice and hearing and pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the ~~[general fund]~~ ***lead poisoning prevention fund established in RSA 130-A:15.***

9 Lead Paint Exposure; Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:

130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees ~~[collected in accordance with this chapter]~~, ***fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education.*** The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.

10 Commission Established. There is established a commission to study childhood lead poisoning prevention laws, policies, and standards in New Hampshire.

11 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The governor, or designee.
- (d) The commissioner of the department of health and human services, or designee.
- (e) The commissioner of the department of education, or designee.
- (f) A parent of a lead poisoned child, appointed by the governor.
- (g) A lead safe renovator/instructor, appointed by the commissioner of the department of health and human services.
- (h) Three representatives of the New Hampshire Property Owners Association, appointed by the association.
- (i) Two New Hampshire property owners, one owning a property of 4 or fewer units and one owning a property of 20 or more units, appointed by the governor.
- (j) A representative of the insurance industry, appointed by the insurance commissioner.
- (k) A representative of The Way Home, appointed by such organization.
- (l) The director of the Manchester Health Department, or designee.
- (m) A representative of the Minority Health Office, department of health and human services, appointed by the office.
- (n) A representative of the Endowment for Health, appointed by such organization.
- (o) A representative of the New Hampshire Charitable Foundation, appointed by the foundation.
- (p) The program director of the Dartmouth Toxic Metals Research Program, Center for Environmental Health Sciences, Dartmouth College, or designee.
- (q) A representative of a local lead action committee, appointed by the commissioner of the department of health and human services.
- (r) A representative of the New Hampshire Association of Realtors, appointed by the president of the association.

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

12 Duties. The commission shall identify and consider the full range of legislative and policy strategies that may be effective in furthering lead poisoning prevention in New Hampshire. In its deliberation, the commission shall seek input from individuals or entities that the commission deems relevant to its study recognizing that all stakeholders will need to work together to develop fair and workable solutions that prevent childhood lead poisoning for the purposes of examining the following issues of concern, including but not limited to:

I. The efficacy of current laws, regulations, education and certification standards, and clinical protocols in reducing the exposure of children to lead hazards.

II. Examining evidenced-based or promising practices from other states and jurisdictions relative to statewide policy, local ordinance, educational programming and financing strategies.

III. Considering the economic impact of lead prevention policies and determining strategies and funding mechanisms for distributing the economic costs as broadly as possible.

IV. Examining the insurance-related concerns tied to lead and lead exposure including accessibility to insurance coverage and liability issues.

V. Developing strategies and protocols for addressing the needs of particular communities or regions of the state or certain populations within the state most impacted by lead poisoning.

13 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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

14 Report. The commission 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, 2008.

15 Repeal. The following are repealed:

I. RSA 130-A:5, II, relative to investigations.

II. RSA 130-A:12, IV, relative to certification of laboratories.

16 Effective Date.

I. Sections 10-14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 90 days after its passage.

2007-0643s

AMENDED ANALYSIS

This bill:

I. Lowers the blood lead level that determines when a child is lead poisoned.

II. Allows the commissioner of the department of health and human services to inspect other units of a multi-unit dwelling when a child has been found to be lead poisoned in one of the units.

III. Extends the period of time that interim controls be used as an alternative to lead hazard abatement under certain circumstances.

IV. Establishes a commission to study the current childhood lead poisoning prevention law, policies, and standards.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senators Clegg, Downing and Gatsas are in opposition to SB 176-FN.

SB 213-FN-A, establishing a comprehensive cancer plan fund and making an appropriation therefor, and establishing a comprehensive cancer plan oversight board. Health and Human Services Committee. Ought to pass with amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

March 13, 2007

2007-0603s

08/09

Amendment to SB 213-FN-A

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

1 New Subdivision; New Hampshire Comprehensive Cancer Plan. Amend RSA 126-A by inserting after section 62 the following new subdivision:

New Hampshire Comprehensive Cancer Plan

126-A:63 Comprehensive Cancer Plan Fund.

I. There is established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. This fund shall be nonlapsing and appropriated as designated in paragraph II of this section.

II. The sum of \$4,041,000 is appropriated to the comprehensive cancer plan fund from the strategic contribution fund payments as agreed to in the master settlement agreement, and upon the warrant of the governor from payments for such fund. The appropriation shall be for each of the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011 and expended annually for the following purposes:

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

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

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

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

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

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

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

126-A:64 Comprehensive Cancer Plan Oversight Board. There is established a comprehensive cancer plan oversight board to oversee the department of health and human services' allocation of moneys from the comprehensive cancer fund.

I. The members of the board of directors of the comprehensive cancer plan oversight board shall be as follows:

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

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

(c) Two members from the department of health and human services, appointed by the commissioner.

(d) Two members from the American Cancer Society, appointed by that organization.

(e) Two members from the Dartmouth Hitchcock Healthcare System, appointed by that organization.

(f) Two members from the New Hampshire Hospital Association.

(g) Two members of the public who are cancer survivors, appointed by the American Cancer Society.

II. The board of directors may appoint other members to the comprehensive cancer plan oversight board.

III. Legislative members of the board shall receive mileage at the legislative rate when attending to the duties of the board.

IV. The board shall report 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 of each year of the appropriation.

2 New Subparagraph; Application of Receipts; Comprehensive Cancer Plan Fund. Amend RSA 6:12, II(b) by inserting after subparagraph (252) the following new subparagraph:

(253) Moneys deposited in the comprehensive cancer plan fund under RSA 126-A:63, I.

3 Repeal. The following are repealed:

I. RSA 126-A:63, relative to the comprehensive cancer plan.

II. RSA 6:12, II (b)(253), relative to the comprehensive cancer plan fund.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2011.

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Foster Rule #42 on SB 213-FN-A.

SB 226-FN, relative to the temporary assistance to needy families (TANF) program. Health and Human Services Committee. Ought to pass with amendment, Vote 4-2. Senator Estabrook for the committee.

Health and Human Services

March 13, 2007

2007-0591s

05/03

Amendment to SB 226-FN

Amend RSA 167:79, III(c)(2) as inserted by section 6 of the bill by replacing it with the following:

(2) If the father is not identified, participate in an interview with a child support worker for the purpose of understanding the importance of *establishing paternity and obtaining* child support [and establishing paternity prior to any action to deny eligibility and cooperate with all action required to establish paternity and assign support]. *Such interview shall be scheduled prior to any action to deny eligibility.*

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 44-L, relative to licenses to carry pistols and revolvers. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Foster for the committee.

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

A roll call was requested by Senator Reynolds.

Seconded by Senator Barnes.

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

The following Senator voted No: Burling.

Yeas: 22 - Nays: 1

Committee report of inexpedient to legislate is adopted.

SB 76-FN-L, requiring the state to reimburse sheriffs' departments for costs incurred for transportation of persons convicted of crimes. Judiciary Committee. Ought to pass with amendment, Vote 4-0. Senator Clegg for the committee.

Sen. Burling, Dist. 5

March 6, 2007

2007-0453s

09/04

Amendment to SB 76-FN-LOCAL

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

AN ACT establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

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

1 Findings and Purpose. The general court finds that:

I. The costs of transporting persons convicted of felonies and incarcerated at state or county correctional facilities are costs properly attributable to the department of corrections. To the extent that sheriffs or other county officials provide such transportation services, they shall be reimbursed for those services beginning July 1, 2009.

II. The costs of transporting persons convicted of felonies are high and will become excessive. Technologies exist which can reduce those costs, through teleconferencing and other forms of high speed communication. Therefore, it shall be state policy to establish, by January 1, 2010, technological infrastructure which will minimize the physical transportation of convicted persons.

2 Commission Established. There is established a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

3 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of corrections, or designee.
- (d) Two members representing the judicial branch, appointed by the chief justice of the supreme court.
- (e) One criminal defense attorney, 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.

4 Duties. The commission shall study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons. The commission shall examine:

I. Implementing the reimbursement of county officials for the costs of transporting persons convicted of felonies and incarcerated at state and county correctional facilities.

II. Establishing the technological infrastructure necessary for teleconferencing and other forms of communication, in order to minimize costs of transporting convicted persons.

5 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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall submit an interim report on or before November 1, 2007 and a final report on or before November 1, 2008 on 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.

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

2007-0453s

AMENDED ANALYSIS

This bill establishes a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 90-FN, relative to the penalty for impersonating a law enforcement officer. Judiciary Committee. Re-refer to committee, Vote 4-0. Senator Clegg for the committee.

Adopted.

SB 90-FN is re-referred to the Judiciary Committee.

SB 121, relative to preventing strategic lawsuits against public participation. Judiciary Committee. Re-refer to committee, Vote 4-0. Senator Reynolds for the committee.

Adopted.

SB 121 is re-referred to the Judiciary Committee.

SB 165-FN, relative to informing physicians of results of the screening panels for medical injury claims. Judiciary Committee. Re-refer to committee, Vote 4-0. Senator Foster for the committee.

Adopted.

SB 165-FN is re-referred to the Judiciary Committee.

SB 250-FN, relative to damages awarded to a prisoner resulting from prison conditions litigation. Judiciary Committee. Re-refer to committee, Vote 4-0. Senator Foster for the committee.

Adopted.

SB 250-FN is re-referred to the Judiciary Committee.

SB 186-FN, establishing a state elderly homeowner property tax credit. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Barnes for the committee.

Public and Municipal Affairs

March 6, 2007

2007-0456s

10/09

Amendment to SB 186-FN

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

AN ACT establishing a committee to study a state elderly homeowner property tax credit.

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

1 Committee Established. There is established a committee to study a state elderly homeowner property tax credit.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study a state elderly homeowner property tax credit.

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

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

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

2007-0456s

AMENDED ANALYSIS

This bill establishes a committee to study a state elderly homeowner property tax credit.

Senator Sgambati moved the question.

Without objection Senator Larsen moved to close debate.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 13 - Nays: 10

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16
Sen. Gallus, Dist. 1
Sen. Kenney, Dist. 3
Sen. Odell, Dist. 8
Sen. Roberge, Dist. 9
Sen. Bragdon, Dist. 11
Sen. Clegg, Dist. 14
Sen. Barnes, Dist. 17
Sen. Letourneau, Dist. 19
Sen. Downing, Dist. 22
March 22, 2007
2007-0941s
10/03

Floor Amendment to SB 186-FN

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

AN ACT establishing a state elderly homeowner property tax credit.

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

1 New Subdivision; Statewide Elderly Homeowners Credit. Amend RSA 72 by inserting after section 74 the following new subdivision:

Statewide Elderly Homeowners Credit

72:75 Statewide Elderly Homeowners Credit.

I. Each person owning residential property in this state as his or her principal place of residence who is 65 years of age or older shall be granted a credit against the property taxes on the residential property. Only one exemption may be granted for each residence.

II. The credit shall be granted in the amount as follows:

- (a) For a person age 65 up to age 70, the credit shall be \$200.
- (b) For a person over age 70 and up to age 75, the credit shall be \$400.
- (c) For a person over age 75 and up to age 80, the credit shall be \$600.
- (d) For a person over age 80, the credit shall be \$800.

III. No tax credit shall be allowed unless the person applying therefor:

(a) Had in the calendar year preceding April 1 of the year for which the credit shall apply a net income from all sources of not more than \$75,000. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

- (1) Life insurance paid on the death of an insured.
- (2) Expenses and costs incurred in the course of conducting a business enterprise.
- (3) Proceeds from the sale of assets.

(b) Owns net assets not in excess of \$500,000, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances.

IV. For purposes of this section:

(a) "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

(b) Ownership requirements for a homestead exemption shall be that the property is:

- (1) Owned by the resident;

(2) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the age requirement for the exemption;

(3) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable age requirement for the exemption; or

(4) Owned by a resident, or the resident's spouse, either of whom meets the age requirement for the exemption, and when they have been married to each other for at least 5 consecutive years.

V. Procedures for application, investigation of applications, and appeals shall be as provided in RSA 72:33, RSA 72:34, and RSA 72:34-a. The commissioner of revenue administration may adopt rules pursuant to RSA 541-A for the interpretation, construction, and uniform observance and enforcement of the statewide elderly homeowners credit.

VI. The selectmen or assessors in each town and city shall include in the reports due each September 1 to the department of revenue administration under RSA 21-J:34 the total amount of the credits granted in the respective town or city. The commissioner of revenue administration shall refund to each town or city such total amount of credits granted by December 31 of each year. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

VII. The credits granted pursuant to this section shall not be considered in the setting of the tax rate by the commissioner of revenue administration under RSA 21-J:35.

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

2007-0941s

AMENDED ANALYSIS

This bill allows persons over 65 years of age to receive a property tax credit on their residential property. The credit is funded from state general funds.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Kenney.

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

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

Yeas: 10 - Nays: 13

Floor amendment failed.

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

A roll call was requested by Senator Hassan.

Seconded by Senator Burling.

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

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 199, relative to the assessment of property subject to a housing subsidy restriction. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Burling for the committee.

Adopted.

SB 199 is re-referred to the Public and Municipal Affairs Committee.

SB 219-FN, relative to proposals to demolish historic buildings. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

March 14, 2007

2007-0637s

03/04

Amendment to SB 219-FN

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

AN ACT establishing a committee to study the feasibility of requiring public input prior to the demolition of historic buildings.

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

1 Committee Established. There is established a committee to study the feasibility of requiring public input prior to the demolition of historic buildings.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the feasibility of requiring public input prior to the demolition of historic buildings.

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

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

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

2007-0637s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of requiring public input prior to the demolition of historic buildings.

Amendment adopted.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

March 21, 2007

2007-0928s

03/04

Floor Amendment to SB 219-FN

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

AN ACT establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

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

1 Committee Established. There is established a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs. The committee's study shall include:

I. Evaluating the effectiveness of existing programs by reviewing New Hampshire statistics and models in other states, and identifying deterrents to current or new tools.

II. Consideration of statewide incentives, enabling legislation, creation of model programs, and other recommendations as appropriate.

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

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

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

2007-0928s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 257-FN, relative to penalties for life safety code violations under municipal housing standards. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator DeVries for the committee.

Adopted.

SB 257-FN is re-referred to the Public and Municipal Affairs Committee.

SB 75-FN, relative to establishing a New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 4-0. Senator DeVries for the committee.

Transportation and Interstate Cooperation

March 15, 2007

2007-0681s

06/09

Amendment to SB 75-FN

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

AN ACT relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

Amend the section heading and the amending language and the chapter heading of section 1 of the bill by replacing it with the following:

1 New Chapter; South Central New Hampshire Rail Transit Authority. Amend RSA by inserting after chapter 238 the following new chapter:

CHAPTER 238-A

SOUTH CENTRAL NEW HAMPSHIRE RAIL TRANSIT AUTHORITY

Amend RSA 238-A:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Authority" means the south central New Hampshire rail transit authority.

Amend RSA 238-A:2 as inserted by section 1 of the bill by replacing it with the following:

238-A:2 Authority Established. There is hereby established the south central New Hampshire rail transit authority which shall be a body both corporate and politic in the state established for the general purpose of developing and providing commuter rail or other similar forms of passenger rail service. It is declared that the purposes of this chapter are public and that the authority shall be regarded as performing an essential governmental function in carrying out this chapter.

Amend RSA 238-A:4, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A designee of the town of Merrimack town council;

Amend RSA 238-A:4, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Three members appointed by the governor, one of whom resides in the service area of the authority as established in RSA 238-A:5, I, and 2 of whom are recognized as experts in railroad matters;

Amend RSA 238-A:4, II as inserted by section 1 of the bill by replacing it with the following:

II. The members of the board of directors appointed by the governor shall serve for a term of 2 years and until a successor has been designated.

Amend section 1 of the bill by inserting after RSA 238-A:15 the following:

238-A:16 Review of Rail Transit Authority. The general court shall review the scope of the rail transit authority during the 2012 legislative session, giving particular attention to expanding the jurisdiction and membership of the governing body of the authority.

2007-0681s

AMENDED ANALYSIS

This bill establishes a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 126-FN-A, relative to motor vehicle fines. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Transportation and Interstate Cooperation

March 8, 2007

2007-0520s

03/01

Amendment to SB 126-FN-A

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

1 Repeal. 2006, 259, relative to reducing certain fines for motor vehicle violations, is repealed.

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

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 181-FN-A-L, adding a fee to motor vehicle fines for use by municipalities. Transportation and Interstate Cooperation Committee. Ought to pass with amendment, Vote 3-1. Senator DeVries for the committee.

Sen. DeVries, Dist. 18

March 9, 2007

2007-0528s

03/09

Amendment to SB 181-FN-A-LOCAL

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

AN ACT adding a fee to motor vehicle fines for use by law enforcement agencies.

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

1 New Section; Motor Vehicles; Penalties and Court Appearances; Administrative Fee. Amend RSA 262 by inserting after section 41 the following new section:

262:41-a Administrative Fee.

I. Every court shall levy an administrative fee of \$5 on each fine or penalty imposed by the court for a violation of RSA title XXI. The clerk of each court shall collect each administrative fee and shall transmit the amount collected to the state treasurer, who shall forward the amount to the law enforcement agency issuing the summons. The treasurer may disburse administrative fees to the issuing agency on an annual basis.

II. The director shall levy an administrative fee of \$5 on each fine imposed by the director for a violation of RSA title XXI for which a plea of guilty or nolo contendere is entered by mail or the defendant has failed to enter a plea by mail. The director shall collect each administrative fee and shall transmit the amount collected to the state treasurer, who shall forward the amount to the law enforcement agency issuing the summons. The treasurer may disburse administrative fees to the issuing agency on an annual basis.

2 Waiver in Lieu of Court Appearance; Administrative Fee. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to [his] *the* summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine *plus administrative fee required by RSA 262:41-a* plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine *plus administrative fee* plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

3 Default; Administrative Fee. Amend RSA 262:44, III(a)(2) to read as follows:

(2) Fails to pay a fine or other penalty in connection with a conviction of a title XXI offense or issues a bad check in payment of such fine or other penalty, the defendant shall be defaulted. In cases where the defendant has failed to enter a plea-by-mail with the director, the director or designee shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment *and administrative fee required by RSA 262:41-a*. In cases where the defendant has defaulted on a court obligation, the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment *and administrative fee required by RSA 262:41-a*. In any case, the defendant's driving privileges shall be suspended as provided in RSA 263:56-a.

4 Duties of Clerk; Disposition of Fines. Amend RSA 502-A:8 to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. The clerk of any district or municipal court may accept payment of the

fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited in the general fund and not out of the ***administrative fee required by RSA 262:41-a or the*** penalty assessment charged by a district or municipal court. After deducting court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days. After deduction of expenses enumerated above, fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6-7, shall be remitted within 14 days to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

5 Default Fees. Amend RSA 597:38-a, I to read as follows:

I. Whenever a party recognized to appear for any offense defaults, the court may impose an administrative processing fee in the amount of \$50 in addition to any other fine or penalty assessment ***or administrative fee required by RSA 262:41-a.***

6 Definition of Fine. Amend RSA 618:1, II to read as follows:

II. In this chapter, "fine" means a fine, a penalty assessment, ***an administrative fee required by RSA 262:41-a,*** or an administrative fee imposed for a default on a court appearance or a default of payment of a fine.

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

2007-0528s

AMENDED ANALYSIS

This bill adds an administrative fee to motor vehicle fines for use by law enforcement agencies.

MOTION TO TABLE

Senator DeVries moved to have SB 181-FN-A-L laid on the table.

Adopted.

LAI D ON THE TABLE

SB 181-FN-A-L, adding a fee to motor vehicle fines for use by municipalities.

SB 227-FN, authorizing land and community heritage investment program donations accompanying motor vehicle registrations. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-1. Senator Burling for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 238, relative to funding for the Groveton Branch Corridor repairs. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 55-FN, relative to the sale of tobacco products. Ways and Means Committee. Ought to pass with amendment, Vote 5-0. Senator D'Allesandro for the committee.

Sen. D'Allesandro, Dist. 20

March 14, 2007

2007-0646s

09/04

Amendment to SB 55-FN

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

AN ACT establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

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

1 Committee Established. There is established a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

2 Membership and Compensation.

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

(a) Three members of the senate, one of whom shall be a member of the finance committee, one of whom shall be a member of the ways and means committee, and one of whom shall be a member of the health and human services committee, appointed by the president of the senate.

(b) Three members of the house of representatives, one of whom shall be a member of the finance committee, one of whom shall be a member of the ways and means committee, and one of whom shall be a member of the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products. The committee shall:

I. Review the Master Settlement Agreement and the terms that impact New Hampshire's allocable share payments.

II. Explore the impact of pending litigation and the other factors which have caused New Hampshire's Master Settlement Agreement revenues to decline.

III. Consider alternative fees, tobacco tax collection mechanisms, and public health proposals that could achieve the financial and public health benefits the state now accrues from the Master Settlement Agreement.

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

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

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

2007-0646s

AMENDED ANALYSIS

This bill establishes a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 130-FN, relative to the insurance premium tax. Ways and Means Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

Committee report of inexpedient to legislate is adopted.

SB 134-FN-A, establishing a research and development credit against business taxes. Ways and Means Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

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Amendment to SB 134-FN-A

Amend RSA 77-A:5, XIII(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) In no event shall the credit allowed under this paragraph exceed 5 percent of the tax due under this chapter or under RSA 77-E or \$50,000 in total amount due under this chapter and RSA 77-E, whichever is less, before any other credits under RSA 77-A:5 are taken into account; and provided further that the credit allowed under this paragraph shall be limited so that no more than 50 percent of such credit shall be attributable to wages paid to an employee who is not an "eligible employee" as defined in RSA 77-A:1, XXIII.

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.

Senator Burling withdrew his request for a roll call.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 225-FN-A-L, relative to allowing video gaming in Coos county, building casinos in Berlin and Portsmouth, and establishing a fund to assist with the payment of property taxes. Ways and Means Committee. Inexpedient to Legislate, Vote 3-2. Senator Reynolds for the committee.

MOTION TO TABLE

Senator Reynolds moved to have SB 225-FN-A-L laid on the table.

Adopted.

LAI D ON THE TABLE

SB 225-FN-A-L, relative to allowing video gaming in Coos county, building casinos in Berlin and Portsmouth, and establishing a fund to assist with the payment of property taxes.

SB 255-FN-A, requiring non-motorized vessels to display conservation decals issued by the fish and game department. Wildlife, Fish and Game Committee. Ought to Pass, Vote 2-1. Senator D'Allesandro 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 Kenney.

The following Senators voted Yes: None.

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

Yeas: 0 - Nays: 22

Motion failed.

Senator Cilley is excused.

Senator Gottesman moved inexpedient to legislate.

Adopted.

SB 255-FN-A is inexpedient to legislate.

RESOLUTION

Senator Foster moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to a third reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION**Third Reading and Final Passage**

SB 55-FN, establishing a committee to study the efficacy of the Master Settlement Agreement and strategies for addressing the financial burden imposed on the state by cigarette smoking and the use of tobacco products.

SB 74-FN, relative to the operation and administration of the state park system.

SB 75-FN, relative to establishing a south central New Hampshire rail transit authority that will have responsibility for developing and providing commuter rail and related public rail transportation services in New Hampshire.

SB 76-FN-L, establishing a commission to study the proper allocation of costs for transporting convicted persons and methods for minimizing the costs of transporting convicted persons.

SB 91, relative to political contributions by corporations, partnerships, and labor unions.

SB 129-FN, requiring interpretation services upon request for persons receiving medical treatment.

SB 179-FN-A, establishing an automated external defibrillator advisory commission.

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

SB 219-FN, establishing a committee to study the effectiveness of current preservation planning tools designed to prevent unnecessary demolitions of significant historic properties and recommend new incentives to aid communities, improvements to existing methods, or creation of new programs.

SB 223-FN, establishing a New Hampshire medal of honor.

SB 238, relative to funding for the Groveton Branch Corridor repairs.

SB 243-FN, relative to regulating home contractors.

ANNOUNCEMENTS**RESOLUTION**

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

Adopted.

In recess to the Call of the Chair.