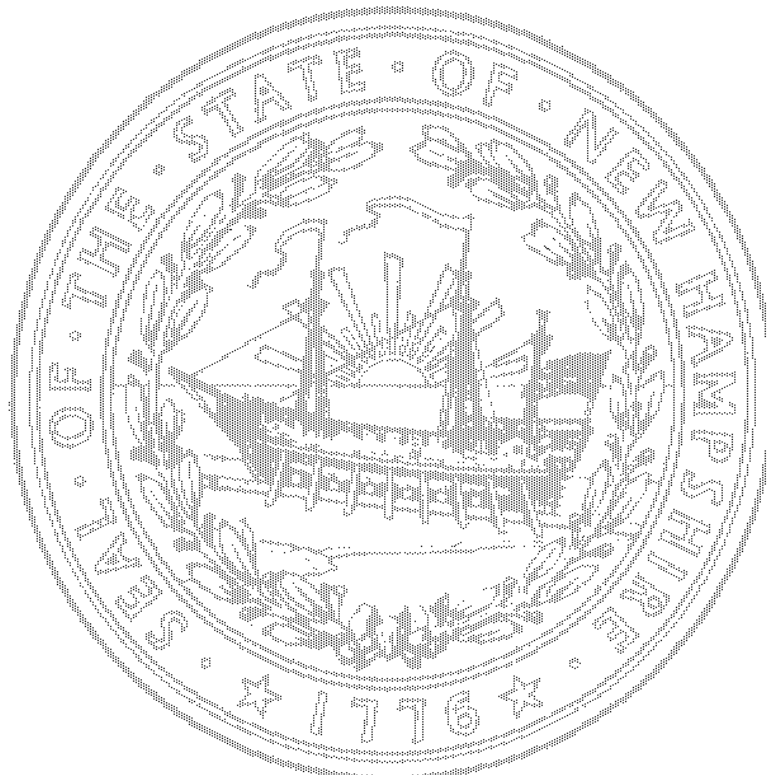


May 1, 2008
Nos. 14-15

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – APRIL 24, 2008 SESSION
COMMENCEMENT – MAY 1, 2008 SESSION

SENATE

JOURNAL 14 (continued)

April 24, 2008

HOUSE MESSAGE

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

HB 315, relative to criminal background checks of prospective municipal employees through the division of state police.

HOUSE MESSAGE

The House of Representatives has voted to withdraw **House Address 1**, *for the removal of Patricia C. Coffey, superior court justice, from office*, from the Joint Committee of Address and Laid it on the Table.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 396, relative to the establishment of a statewide transportation policy.

SB 518-FN, relative to agricultural restricted covenants.

HOUSE MESSAGE

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

SB 303-FN, relative to special number plates.

SB 326-FN, relative to salaries for certain unclassified positions.

SB 347, establishing a commission to study making changes to the New Hampshire accountancy act.

SB 349, allowing continuation of judicial retirement plan benefits for judges called to full-time active military duty.

SB 371, making various changes to the city of Manchester employees' contributory retirement system.

SB 376, requiring local fire chiefs to annually inspect all school buildings within his or her jurisdiction and report on the condition of all such school buildings.

SB 442-FN, requiring that the proceeds of fees for motions to appear in court pro hac vice be paid into the law library revolving fund.

SB 444, relative to settlements on behalf of minors and judgments and decrees in favor of minors.

SB 446, allowing probate court judges and district court justices to sit on either court in certain circumstances.

SB 447, eliminating obsolete provisions regarding pleas by mail and noncomputerized courts.

SB 449, relative to the status of emergency services volunteers.

SB 462, limiting liability for overseers of public welfare when acting in the course of their official duties.

SB 466, relative to probate court jurisdiction over special needs trust.

SB 486, relative to the duties and responsibilities of special deputy forest rangers.

SB 489, establishing a commission to study erecting a fire tower on Copple Crown mountain in Brookfield.

SB 506, naming the Elm Street bridge in Newport after Specialist Justin A. Rollins.

SB 523, relative to requirements for the estuary alliance for sewage treatment to take and hold land.

SB 525, establishing the first Saturday in May as Emergency Medical Services Provider Recognition Day.

SB 542, relative to a mediated settlement dispute in the town of Rye.

SCR 10, urging the New Hampshire delegation to actively seek an increase in federal funding for wastewater treatment facility improvements.

HOUSE MESSAGE

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

SB 385, requiring pharmacies to report an inability to fill prescriptions.

SB 452, relative to transportation planning.

SB 524, relative to eligibility for persons to receive the elderly property tax exemption.

SB 543, establishing a commission to study court security.

HOUSE MESSAGE

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

SB 436, enabling certain persons to vote in primaries prior to turning 18 years of age.

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 415-FN, establishing a geothermal assessment project.

HB 1153, relative to physician assistants and physicians regulation by the board of medicine.

HB 1155-FN-A, making an appropriation of certain revenues to the board of nursing.

HB 1167, relative to substituting generically equivalent drug products.

HB 1186, reducing the membership of 2 legislative oversight committees.

HB 1215, relative to the New Hampshire-Vermont interstate waste compact.

HB 1239, relative to the legislative youth advisory council.

HB 1341-FN-A, making an appropriation to the department of administrative services for an energy audit and system evaluation of the state house.

HB 1377, relative to New Hampshire's rest areas and welcome centers.

HB 1584-FN-A, creating a commission to study the recycling and disposal of electronic waste.

HJR 11, requesting the United States Department of Agriculture to provide redress for price reporting errors in milk prices.

SB 325-FN-A, relative to child care provider reimbursement rates.

SB 431, naming a small impoundment in Goffstown as Namaske Lake.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

HB 211-FN, requiring that driver's license applicants be informed of and examined on laws relating to blind pedestrians.

HB 717, allowing municipalities to establish local community services and care planning boards.

HB 1181, naming the Manchester district courthouse the Armand Capistran district courthouse.

HJR 10, urging congress to allow for the interstate sale of state inspected meat and poultry.

SB 142, relative to the regulation of real estate brokers and salespersons by the real estate commission.

SB 322, relative to lists of professional bondsmen.

SB 347, establishing a commission to study making changes to the New Hampshire accountancy act.

SB 360, relative to local enforcement of the state building code.

SB 364, relative to vehicle weight tolerance.

SB 367, relative to the date of the final property tax bill in municipalities that bill quarterly.

SB 368, relative to exemptions for toxics reduction in packaging.

SB 375-L, allowing veterinarians to inform town and city clerks about dogs that have been euthanized or died during treatment.

SB 404, allowing dental school graduates to practice in an approved dental residency program.

SB 423, relative to cashing of bingo winnings checks.

SB 447, eliminating obsolete provisions regarding pleas by mail and noncomputerized courts.

SB 461, relative to accessibility of genealogical records to the public.

SB 489, establishing a commission to study erecting a fire tower on Copple Crown mountain in Brookfield.

SB 498, relative to state guarantees of certain municipal debt issues.

SB 506, naming the Elm Street bridge in Newport after Specialist Justin A. Rollins.

SB 520-FN-A, requiring the state veterans council to issue a state veterans handbook biennially and making an appropriation therefor.

SB 521-FN, increasing the maximum scholarship amount available from the national guard scholarship fund.

SB 529, changing certain references in the mental health laws.

SB 534-FN, eliminating the processing fee on court credit card transactions.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 437, relative to access to voter information.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 15

May 1, 2008

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend Charles Clark, guest chaplain to the Senate, offered the prayer:

Heavenly Father, You have filled the world with beauty. Open our eyes to behold Your gracious hand at work in the glories of spring, so that rejoicing in Your whole creation we may learn once more with gratitude, to serve Your good purposes for peace and prosperity at home and abroad. Guide and bless with Your unfailing wisdom and love, the Senators of New Hampshire as they meet this day to measure and enact just laws for the welfare of the state and all its citizens. Fill their hearts with renewed awareness of the high office and tasks to which they have been called, and let not their trust in You and Your abiding providence to fail, but rather may it now inspire and empower them to seek and do Your will on earth even as it is ever done in Heaven. Amen

Senator Gatsas led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Math Team from ConVal High School

State Championship/Sullivan County 4-H Teen Club LifeSmarts

Ashland Elementary School

Mike Palczynski and Susan Schlapak

Representatives: Mooney, Flanders, Rowe, Baldasaro and Haefner

Senate Page: Keri Morris

SPECIAL ORDER

Senator Larsen moved that, without objection, HCR 15 be Special-Ordered to the front of the Calendar.

HCR 15, commemorating the commissioning of the USS New Hampshire. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

The question is on the adoption of the committee report of Ought to Pass.

A roll call was requested by Senator Barnes.

Seconded by Senator Kenney.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to Third Reading.

SPECIAL ORDER

Senator Foster moved that, without objection, HB 1133 and HB 1613 be Special-Ordered to the Session on May 8.

HB 1133, relative to the age of majority for purposes of pornography-related offenses. Judiciary Committee. Interim Study, Vote 4-0. Senator Foster for the committee.

HB 1613-FN, making changes to certain statutes relating to crimes against children. Judiciary Committee. Interim Study, Vote 4-0. Senator Foster for the committee.

COMMITTEE REPORTS

HB 686-FN, relative to the regulation of remotely readable devices and the illegal use of payment card scanning devices or reencoders. Commerce, Labor and Consumer Protection Committee. Interim Study, Vote 6-0. Senator Cilley for the committee.

Committee report of Interim Study is adopted.

HB 1127, relative to determining a bargaining unit in public employee labor relations. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-2. 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 Clegg.

Seconded by Senator Barnes.

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

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

Yeas: 14 - Nays: 10

Adopted.

Ordered to Third Reading.

HB 1174, relative to condominium association meetings. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Reynolds for the committee.

Sen. Reynolds, Dist. 2
April 22, 2008
2008-1449s

05/04

Amendment to HB 1174

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

AN ACT establishing a commission to study RSA 356-B, the condominium act.

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

1 Commission Established. There is established a commission to study RSA 356-B, the condominium act.

2 Membership and Compensation.

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

(a) One member 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) One member of the New Hampshire Board of Realtors, appointed by the board.

(d) One member of a condominium association interest group, appointed by the president of the senate.

(e) Two members of the public, one of whom is a member of a condominium association, appointed by the governor.

(f) A representative of the consumer protection and antitrust bureau of the department of justice, appointed by the attorney general.

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

3 Duties. The commission shall study the scope and application of RSA 356-B, the condominium act, including the adequacy of notice and disclosure requirements for meetings of the governing body of the unit owners' association.

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

5 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.

6 Effective Date. This act shall take effect upon its passage.
2008-1449s

AMENDED ANALYSIS

This bill establishes a commission to study the condominium act.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1246, relative to insurance policy denial provisions. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Cilley for the committee.

Adopted.

Ordered to Third Reading.

HB 1274, relative to certain securities professional designations and securities administration. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator DeVries for the committee.

Commerce, Labor, and Consumer Protection

April 22, 2008

2008-1469s

08/09

Amendment to HB 1274

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Securities; Prohibited Activities. Amend RSA 421-B:6 by inserting after paragraph VII the following new paragraph:

VII-a.(a) The use of a senior-specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of, or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical practice in the securities business within the meaning of RSA 421-B:10, I(b)(7). The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

(1) Use of a certification or professional designation by a person who has not actually earned, or is otherwise ineligible to use such certification or designation;

(2) Use of a nonexistent or self-conferred certification or professional designation;

(3) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(4) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing;

(B) Does not have reasonable standards or procedures for assuring the competency of its designees or certificants;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

(D) Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

(b) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of RSA 421-B:6, VII-a(a)(4) when the organization has been accredited by:

(1) The American National Standards Institute; or

(2) The National Commission for Certifying Agencies; or

(3) An organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(c) In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(1) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(2) The manner in which those words are combined.

(d) For purposes of this subparagraph "financial services regulatory agency" includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940. For the purposes of this paragraph, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(1) Indicates seniority or standing within the organization; or

(2) Specifies an individual's area of specialization within the organization.

(e) Nothing in this paragraph shall limit the secretary of state's authority to enforce existing provisions of law.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Investigations and Subpoenas. Amend RSA 421-B:22, IV to read as follows:

IV. In any investigation to determine whether any person has violated or is about to violate this title or any rule or order under this title, upon the secretary of state's prevailing at hearing, or the person charged with the violation being found in default, ***or pursuant to a consent order issued by the secretary of state***, the secretary of state shall be entitled to recover the costs of the investigation, ***and any related proceedings, including reasonable attorney's fees***, in addition to any other penalty provided for under this chapter.

2008-1469s

AMENDED ANALYSIS

This bill:

I. Prohibits certain activities for certain securities professionals.

II. Allows the secretary of state to bar a person from licensure.

III. Allows the secretary of state to send letters of censure, caution, warning, or admonition.

VI. Prohibits certain activities related to certification or professional designation.

This bill is a request of the secretary of state.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1279, relative to the scope of certain insurance laws. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Reynolds for the committee.

Commerce, Labor, and Consumer Protection

April 22, 2008

2008-1468s

01/09

Amendment to HB 1279

Amend the bill by replacing section 3 with the following:

3 Prohibited Acts and Terms. Amend RSA 415-C:7 to read as follows:

415-C:7 Prohibited Acts and Terms.

I. No obligor, its designee, or any other representative of an obligor, ***including a seller or administrator***, shall ~~make, publish, display, print, distribute, issue, circulate, advertise, or place before the public, or cause directly or indirectly, any of the foregoing, in any manner whatsoever any statement or representation that~~ ***in connection with the sale, offer to sell, or advertisement of any benefits, advantages, conditions, terms, or services available under a consumer guaranty contract:***

(a) ~~[Is false or misleading in connection with the sale, offer to sell, advertisement, benefits, advantages, conditions, terms, or services available under a consumer guaranty contract.]~~ ***Make, publish, print, distribute, issue, circulate, advertise, or place before the public, any statement or representation that is false or misleading;***

(b) ~~[Permits or causes the omission of a]~~ ***Mislead by permitting or causing the omission of a*** material statement ~~[in connection with the sale, offer to sell, advertisement, benefits, advantages, conditions or terms of a contract]~~ that under the circumstances should have been made in order to make the statements that were made not misleading.

(c) ~~[Represents or makes the purchase of]~~ ***Require the purchase of*** a consumer guaranty contract ***or represent that the purchase is*** mandatory.

(d) ~~[Has the effect of creating or maintaining]~~ ***Create or maintain*** a fraud.

(e) ~~[Uses]~~ ***Use*** in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other obligor. This section shall not apply to a company that was using any of the prohibited language in its name prior to the effective date of this chapter. However, a company using the prohibited language in its name shall conspicuously disclose in its consumer guaranty contracts a statement substantially as follows: "This agreement is not an insurance contract."

(f) ***Fail to act promptly upon communications with respect to claims arising under a consumer guaranty contract.***

(g) ***Fail to effectuate fair and equitable settlements or compromises of claims in which liability has become reasonably clear.***

(h) Unfairly discriminate based solely on age, place or area of residence, race, color, creed, national origin, ancestry, marital or civil union status, lawful occupation including military service, gender, religion, or blindness or other disability.

II. An obligor shall not make, permit, or cause any practice that:

- (a) Fails to perform the services promised under the contract in a timely, competent, or workmanlike manner; or
- (b) Has the effect of creating or maintaining a fraud.

III. No consumer guaranty contract issued, sold, or covering property located in this state shall provide that:

- (a) The consumer is not a party to the contract;
- (b) The obligor has no liability to the consumer;
- (c) The consumer does not have the right to bring an action to enforce the terms of the contract or otherwise challenge the denial of a claim which the consumer believes is wrongful, subject to the provisions or any alternative dispute resolution procedure specified in the consumer guaranty contract; or

(d) Any civil action or alternative dispute resolution procedure brought in connection with the consumer guaranty contract shall be brought in the courts of a jurisdiction other than New Hampshire.

IV. Nothing in this chapter shall be construed to impair or in any way affect any rule or law applicable to or governing consumer guaranty contracts.

~~V. No violation of this chapter shall of itself be deemed to create any cause of action in favor of any person other than the commissioner; but nothing in this chapter shall impair the right of any person to seek redress at law or in equity for any conduct for which action may be brought.]~~

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

6 New Section; Action Against an Obligor, Designee, or Representative of an Obligor.
Amend RSA 415-C by inserting after section 10 the following new section:

415-C:10-a Action Against An Obligor, Designee or Representative of an Obligor.

I. When an obligor, its designee, or any other representative of an obligor, including a seller or administrator, in any action or proceeding brought by the insurance commissioner has been found to be in violation of this chapter or has been ordered to cease and desist, and said finding or order has become final, any consumer claiming to be adversely affected by the act or practice giving rise to such finding or order, and to whom restitution has not been provided under RSA 415-C:10, IV or to whom the obligor, its designee or representative has not made voluntary restitution acceptable to the consumer within 30 days of the finding or order, may bring suit against said obligor to recover such damages or loss that have been suffered by him or her because of such action or practice.

II. For the sole purposes of providing the consumer with the procedural rights set forth under RSA 541 and RSA 541-A, failure of the commissioner to take action under RSA 415-C:10 within 120 days from the date of the receipt of a complaint from an alleged injured person shall constitute a finding that the alleged act or practice is not in violation of this chapter. This finding may be appealed in accordance with RSA 541. If upon appeal the decision of the commissioner is not upheld, the consumer may proceed under RSA 415-C:10-a, I. This provision shall not bar the commissioner from bringing an enforcement action for violation of this chapter more than 120 days after receipt of a complaint.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12
April 23, 2008
2008-1482s
01/09

Floor Amendment to HB 1279

Amend the introductory paragraph of RSA 415-C:7, I as inserted by section 3 of the bill by replacing it with the following:

I. No obligor, its designee, or any other representative of an obligor, ***including a seller or administrator***, shall ~~[make, publish, display, print, distribute, issue, circulate, advertise, or place before the public, or cause directly or indirectly, any of the foregoing, in any manner whatsoever any statement or representation that]~~ ***in connection with the sale, or offer to sell, or any advertisement or in connection with any benefits, advantages, conditions, terms, or services available under a consumer guaranty contract:***

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1410, relative to youth training and employment in firefighting. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

Adopted.

Ordered to Third Reading.

HB 1578-FN, relative to insurance fraud. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Roberge for the committee.

Sen. Gottesman, Dist. 12
April 22, 2008
2008-1446s
01/09

Amendment to HB 1578-FN

Amend RSA 417:29 as inserted by section 4 of the bill by replacing it with the following:

417:29 Fraud Unit Material Information Disclosure.

I. Except as provided in paragraph II, the unit's papers, documents, reports, or evidence relative to the subject of ***a pending*** investigation under this section shall remain confidential and shall not be subject to public inspection or disclosure. Further, such papers, documents, reports, or evidence relative to the subject of ~~an~~ ***a pending*** investigation under this section shall be privileged and shall not be subject to subpoena, discovery, or disclosure in any proceeding other than the action initiated by the unit, except as specifically authorized in this subdivision. For the purposes of this section, investigative materials shall include the testimony of unit personnel concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the unit.

II.(a) If the unit's papers, documents, reports, or evidence relative to the subject of a pending investigation under this section have been disclosed in a criminal action, the commissioner may use those papers, documents, reports, evidence or other investigative materials of the unit disclosed in the criminal action in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers, documents, reports, evidence or other investigative materials not disclosed in the criminal action shall remain, pursuant to paragraph I, confidential and privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure;

(b) If a substantial need exists and disclosure will not jeopardize the unit's evidence-gathering ability or any ongoing criminal investigation or criminal action, the commissioner may use the unit's papers, documents, reports, evidence or other investigative materials in the furtherance of a non-criminal regulatory or legal action brought as part of the commissioner's duties. Any of the unit's papers, documents, reports, evidence, or other investigative materials not used in the furtherance of a non-criminal regulatory or legal action shall remain, pursuant to paragraph I, confidential and privileged and shall not be subject to subpoena, discovery, public inspection pursuant to RSA 91-A, or any other disclosure; and

(c) The recipient of any information furnished pursuant to this paragraph shall hold the information in confidence until such time as its release is required pursuant to a civil or regulatory proceeding or pursuant to any statutory requirement.

Amendment adopted.

Senator Kelly, Rule 42 on HB 1578.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12
May 1, 2008
2008-1637s
01/09

Floor Amendment to HB 1578-FN

Amend RSA 417:29, I as inserted by section 4 of the bill by replacing it with the following:

I. Except as provided in paragraph II, the unit's papers, documents, reports, or evidence relative to the subject of ***a pending*** investigation under this section shall remain confidential and shall not be subject to public inspection or disclosure. Further, such papers,

documents, reports, or evidence relative to the subject of ~~an~~ **a pending** investigation under this section shall be privileged and shall not be subject to subpoena, discovery, or disclosure in any proceeding other than the action initiated by the unit, except as specifically authorized in this subdivision. For the purposes of this section, investigative materials shall include the testimony of unit personnel concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the unit. ***Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, agency, regulatory body, or other authority of the state, or a political subdivision thereof, may move to have access to the unit's papers, documents, reports, or evidence relative to the subject of a closed investigation under this section. The judge, upon the filing of such motion by the aggrieved person, may, in the judge's discretion, make available to the aggrieved person or such person's counsel for inspection of such portions of the relative contents derived therefrom as the judge determines to be in the interests of justice.***

Floor amendment adopted.

Senator Kelly, Rule 42 on HB 1578.

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

Adopted.

Senator Kelly, Rule 42 on HB 1578.

Ordered to Third Reading.

HB 765-FN, establishing a committee to study the financial liability for placement of a child with a disability. Education Committee. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Senate Education
April 22, 2008
2008-1461s
04/05

Amendment to HB 765-FN

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

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 4 with the following:

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

Amendment adopted.

Senator Foster Rule 42 on HB 765-FN.

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

Adopted.

Senator Foster Rule 42 on HB 765-FN.

Ordered to Third Reading.

HB 1298-FN, making changes to the veterinary/medical/optometric education program. Education Committee. Ought to Pass, Vote 5-1. Senator Kelly for the committee.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year. Education Committee. Ought to Pass, Vote 6-0. Senator Bragdon for the committee.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 683, relative to nominations by party committees. Election Law and Internal Affairs Committee. Interim Study, Vote 4-0. Senator Burling for the committee.

MOTION TO TABLE

Senator Foster moved to have HB 683 laid on the table.

Adopted.

LAIID ON THE TABLE

HB 683, relative to nominations by party committees.

HB 1204, relative to the number of write-in votes required to receive a party's nomination. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Cilley for the committee.

Adopted.

Ordered to Third Reading.

HB 1227, clarifying when persons elected may assume certain offices. Election Law and Internal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Cilley for the committee.

Election Law and Internal Affairs

April 23, 2008

2008-1484s

03/05

Amendment to HB 1227

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

1 Swearing in of Town Officers. RSA 42:3 is repealed and reenacted to read as follows:

42:3 Swearing in of Officers. Any person elected to an office where no other person was a candidate on the ballot for that office and no write-in candidate received 5 percent or more of the votes cast for that office, may be sworn in after the results are declared from the election and the annual business meeting has ended or at any time no later than 30 days following the election. If no recount of the office is requested, any person elected to an office that was contested or for which a write-in candidate received 5 percent or more of the votes cast may be sworn in upon the expiration of the period for requesting a recount provided in RSA 669:30.

2 Town Elections; Recounts; Declaration of Results. RSA 669:34 is repealed and reenacted to read as follows:

669:34 Declaration of Results.

I. Upon completion of the recount, the board of recount shall publicly declare the results and certify such declaration to the town clerk.

II. The town clerk shall record the certificate received under paragraph I; and the person so declared to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

III. A person declared elected at the election whose election is affirmed by the recount may take the oath of office and assume office at any time following declaration of the results of the recount, provided the oath is taken no later than 30 days following the election.

IV. When a different person is declared elected following the recount, if no appeal is taken that person may take the oath of office and assume office on or after the sixth day following the date of the recount.

V. If a different person is declared elected following the recount, and an appeal is taken, that person may not assume office until the superior court has issued a final ruling on the appeal. The person holding the office prior to the election shall continue to hold the office until a successor is declared elected by the superior court and the person declared elected by the court takes the oath of office.

VI. When an appeal involves a multi-seat office, every declared candidate for that office and any write-in candidate who received 5 percent or more of the votes cast shall be entitled to notice of the appeal and may choose to become a party to the appeal. When ruling on an appeal involving an election where voters elected more than one person to a multi-seat office, the court may remove from office any person who was declared elected at the election and at the recount who has already taken the oath of office and assumed office if the court determines that it is more likely than not that a different person was elected to that seat. The validity of any actions taken by a person who assumes office pursuant to this section and is later removed as a result of an appeal may not be challenged on the basis that the person was subsequently removed as a result of the appeal.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1305-FN-L, relative to filing for election to town offices. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to Third Reading.

HB 1371, extending certain studies. Election Law and Internal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Burling for the committee.

Election Law and Internal Affairs

April 23, 2008

2008-1476s

09/01

Amendment to HB 1371

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Commission to Develop Flood Management Plan; Report Date. Amend 2007, 179:5 to read as follows:

179:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library in the form of a progress report on or before December 1, 2007 and a final flood control plan on or before ~~June 1, 2008~~ **August 31, 2008**.

9 Legal Services Study Commission; Report Date. Amend 2007, 263:57, VI to read as follows:

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, ~~2007~~ **2009**.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to Third Reading.

HB 1526, relative to the use of images of New Hampshire residents who died in the line of duty. Election Law and Internal Affairs Committee. Interim Study, Vote 3-1. Senator Burling for the committee.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the committee report of Interim Study.

A roll call was requested by Senator Barnes.

Seconded by Senator Clegg.

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

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

Yeas: 15 - Nays: 9

Committee report of Interim Study is adopted.

HB 1576-FN, relative to the employment of veterans on Veterans' Day. Election Law and Internal Affairs Committee. Interim Study, Vote 4-0. Senator DeVries for the committee.

Committee report of Interim Study is adopted.

HB 1349, relative to membership on the council on resources and development. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to Third Reading.

HB 877-FN, relative to the state recycling program. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

April 22, 2008

2008-1453s

06/09

Amendment to HB 877-FN

Amend RSA 9-C:6 as inserted by section 1 of the bill by replacing it with the following:

9-C:6 Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the state recycling fund to be administered by the director of the division, which shall be kept distinct and separate from all other funds. All moneys in the state recycling fund shall be continually appropriated to the commissioner of administrative services for the purpose of paying division costs in administering this chapter, providing state agencies with needed equipment and supplies for recycling, or to offset any costs associated with providing recycled materials pickup service. The treasurer shall deposit all donations received under RSA 9-C:7, I in the state recycling fund.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule 26).

Senator Reynolds is in favor of HB 877-FN.

HB 1177, relative to prohibited interests in on-premises liquor licensees. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-0. Senator Burling for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1262, relative to continuing medical education requirements for persons licensed by the board of medicine. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

Senate Executive Departments and Administration

April 22, 2008

2008-1459s

10/05

Amendment to HB 1262

Amend RSA 329:16-g as inserted by section 1 of the bill by replacing it with the following:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at ~~least~~ every ~~3 years~~ **biennial**

license renewal that the licensee has completed ~~[an]~~ **100 hours of** approved continuing medical education program within the preceding ~~[3]~~ **2** years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university approved by the board. There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society until January 1, ~~[2007]~~ **2017**, and by the board or their designee thereafter. ~~[The board shall accept verification of continuing medical education for licensees from the New Hampshire Medical Society until January 1, 2007].~~ **Each licensee shall submit a continuing medical education report using a form provided by the board or their designee. The board, or their designee, shall collect, review, verify, and maintain the continuing medical education documentation of each licensed physician and shall prepare a written report which records the credits awarded to each licensee during the 2-year period applicable to each licensee. Each licensee shall provide copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met.** The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.

2008-1459s

AMENDED ANALYSIS

This bill requires that continuing medical education requirements for physicians be completed every 2 years at the biennial license renewal, and extends the auditing of continuing education credits by the New Hampshire Medical Society.

Senator Cilley moved to recommit.

Adopted.

HB 1262 is recommitted to the Executive Departments and Administration Committee.

HB 1340, relative to the special account of the judicial retirement system. Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Cilley for the committee.

MOTION TO TABLE

Senator Cilley moved to have HB 1340 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1340, relative to the special account of the judicial retirement system.

Senator Burling Rule 42 on HB 1340.

HB 1402-FN, relative to community health centers. Executive Departments and Administration Committee. Ought to Pass, Vote 2-0. Senator Burling for the committee.

Adopted.

Ordered to Third Reading.

HB 1520-FN, allowing service in the Peace Corps to be purchased as creditable service in the retirement system. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Senate Executive Departments and Administration

April 22, 2008

2008-1452s

10/05

Amendment to HB 1520-FN

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

1 New Paragraph; Retirement; Creditable Service; Peace Corps. Amend RSA 100-A:4 by inserting after paragraph VII the following new paragraph:

VIII. Any employee, teacher, permanent policeman, or permanent fireman who has completed at least 5 years of membership service and who terminates his or her employment in order to enter directly into the Peace Corps, shall be entitled to service credit for the period of such Peace Corps service, provided he or she again becomes employed within a year after the termination of such service and provided further that he or she elects to make, and makes while in active service and within a period of time equal to 3 times the length of time of such service, but not more than 5 years, all payments of the full actuarial cost to the system. The full actuarial cost of service credit purchases under this paragraph shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees. The member may be required to prepay all or part of the actuarial calculation fee, as determined by the board. Credit shall not be granted until the active member has fully paid for such service credit in a lump sum or by installment payments as permitted by the board. The member's payment shall be credited to the member annuity savings fund. The amount of service credit purchased under this paragraph shall not exceed the least of (a) 2 years or (b) the member's actual period of Peace Corps service or (c) 5 years minus the period of nonqualified service credit purchased by the member pursuant to former RSA 100-A:4, VII. Creditable service purchased under this paragraph shall not be used for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

2 Membership; Peace Corps Service Credit. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. ***The amount determined by the actuary to purchase prior service credit related to Peace Corps service shall be computed under RSA 100-A:4,***

VIII. For all other prior service credit the amount determined by the actuary shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

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

Amendment adopted.

Senator Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

April 30, 2008

2008-1633s

10/05

Floor Amendment to HB 1520-FN

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

AN ACT allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system.

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

1 New Paragraph; Retirement; Creditable Service; Peace Corps; AmeriCorps. Amend RSA 100-A:4 by inserting after paragraph VII the following new paragraph:

VIII. Any employee, teacher, permanent policeman, or permanent fireman who has completed at least 5 years of membership service and who terminates his or her employment in order to enter directly into the Peace Corps or AmeriCorps, shall be entitled to service credit for the period of such Peace Corps or AmeriCorps service, provided he or she again becomes employed within a year after the termination of such service and provided further that he or she elects to make, and makes while in active service and within a period of time equal to 3 times the length of time of such service, but not more than 5 years, all payments of the full actuarial cost to the system. The full actuarial cost of service credit purchases under this paragraph shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees. The member may be required to prepay all or part of the actuarial calculation fee, as determined by the board. Credit shall not be granted until the active member has fully paid for such service credit in a lump sum or by installment payments as permitted by the board. The member's payment shall be credited to the member annuity savings fund. The amount of service credit purchased under this paragraph shall not exceed the least of (a) 2 years or (b) the member's actual period of Peace Corps and AmeriCorps service or (c) 5 years minus the period of nonqualified service credit purchased by the member pursuant to former RSA 100-A:4, VII.

Creditable service purchased under this paragraph shall not be used for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

2 Membership; Peace Corps or AmeriCorps Service Credit. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. ***The amount determined by the actuary to purchase prior service credit related to Peace Corps and AmeriCorps service shall be computed under RSA 100-A:4, VIII.*** For all other prior service credit the amount determined by the actuary shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.

2008-1633s

AMENDED ANALYSIS

This bill allows members of the retirement system who terminate employment and join the Peace Corps or AmeriCorps to purchase up to 2 years of such service as creditable service.

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1583-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. Executive Departments and Administration Committee. Interim Study, Vote 3-0. Senator Burling for the committee.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the adoption of the committee report of Interim Study.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 17 - Nays: 7

Committee report of Interim Study is adopted.

HB 1633-FN, relative to the regulation of licensed alcohol and drug use counselors. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Burling for the committee.

Adopted.

Ordered to Third Reading.

HB 359-FN, relative to recovery of medical assistance from an estate. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1396-FN, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Estabrook for the committee.

Health and Human Services

April 22, 2008

2008-1470s

10/04

Amendment to HB 1396-FN

Amend RSA 329:1-c as inserted by section 7 of the bill by replacing it with the following:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person exam, a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient

relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1502-FN, relative to disposal of used needles. Health and Human Services Committee. Interim Study, Vote 4-1. Senator Janeway for the committee.

The question is on the adoption of the committee report of Interim Study.

Motion failed.

Senator Sgambati moved ought to pass.

Senator Sgambati offered a floor amendment.

Sen. Sgambati, Dist. 4

April 29, 2008

2008-1609s

01/04

Floor Amendment to HB 1502-FN

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

AN ACT establishing a commission to develop alternatives to the disposal of medical sharps in household waste.

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

1 Findings. The general court finds that:

I. Each year, according to the United States Environmental Protection Agency, more than 3,000,000,000 medical sharps are used by individuals in their homes.

II. Typically, these medical sharps are put into the household trash, where they

become a health hazard for other members of the household and for sanitation workers.

III. The hazard includes not only the discomfort of a needle-stick injury, but also the risk of contracting an infectious disease from a contaminated medical sharp.

IV. Regulating the disposal of home-generated medical sharps will further the public health and safety of New Hampshire residents.

2 Commission Established. There is established a commission to develop alternatives to the disposal of medical sharps in household waste.

3 Membership and Compensation.

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

- (a) One member 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 commissioner of the department of environmental services, or designee.
- (d) The commissioner of the department of health and human services, or designee.
- (e) A representative of the Solid Waste Association of North America, appointed by such organization.
- (f) A representative of sharps manufacturers, appointed by the governor.
- (g) A representative of the Coalition of New Hampshire Chain Pharmacies, appointed by such organization.
- (h) A representative of the New Hampshire Independent Pharmacy Association, appointed by such association.
- (i) A representative of the New Hampshire Municipal Association, appointed by such organization.
- (j) A representative of the New Hampshire Association of Diabetes Educators, appointed by such association.
- (k) A representative of the New Hampshire Medical Society, appointed by such society.
- (l) A representative of the sharps disposal industry, appointed by the governor.
- (m) A representative of the Coalition for Safe Community Needle Disposal, appointed by such organization.

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 and recommend program options for the collection and disposal of home-generated medical sharps. The program recommendations shall be designed to protect the public health and the environment by providing for the safe, secure,

and accessible collection and disposal of hypodermic needles and lancets, and shall include a timeframe for banning the disposal of home-generated medical sharps from municipal solid waste. The commission shall maintain liaison with the Product Stewardship Institute sharps policy workgroup.

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. Five members of the commission shall constitute a quorum.

6 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 April 1, 2009.

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

2008-1609s

AMENDED ANALYSIS

This bill establishes a commission to develop alternatives to the disposal of medical sharps in household waste.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senators Janeway and Reynolds are in opposition to the motion of Interim Study on HB 1502-FN.

HB 1505-FN, establishing the New Hampshire birth conditions program. Health and Human Services Committee. Ought to Pass with Amendment, Vote 4-1. Senator Sgambati for the committee.

Health and Human Services

April 23, 2008

2008-1481s

08/09

Amendment to HB 1505-FN

Amend RSA 141-J:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Health information" means: vital records, hospital discharge data, parental, stillborn fetal, pediatric, or infant medical records, hospital or clinic records, results of

genetic tests relating to birth conditions in infants, children, or fetal death reports indicating the birth conditions only but not the tests themselves or any other information therefrom, records of induced termination of pregnancies as to which a diagnosis of a birth condition has been made, provided that such information does not include any individually identifiable health information, laboratory reports, and infant, pediatric, or stillborn fetal autopsy reports.

Amend RSA 141-J:5, II-III as inserted by section 1 of the bill by replacing it with the following:

II. The program shall notify each individual with a confirmed birth condition diagnosis whose individually identifiable health information it proposes to include in the program of the election prior to obtaining any individually identifiable health information relating to the individual, other than name and address and diagnosis.

III. The notices required by paragraph II shall be in writing, on a form developed and revised from time to time by the commissioner. At a minimum, the notice shall:

(a) Be written in clear, plain language.

(b) Contain the following:

(1) A statement explaining the nature and purpose of the program.

(2) A statement of the election in paragraph I or the absence of a statement of election in paragraph V, and a statement of the election in RSA 141-J:6, I.

(3) Contact information for the program.

(4) A place for the individual to sign and date.

Amendment adopted.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

May 1, 2008

2008-1645s

08/10

Floor Amendment to HB 1505-FN

Amend RSA 141-J:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Health information" means vital records, hospital discharge data, parental, stillborn fetal, pediatric, or infant medical records, hospital or clinic records, results of genetic tests relating to birth conditions in infants, children, or fetal death reports indicating the birth conditions only but not the tests themselves or any other information therefrom, records of induced termination of pregnancies as to which a diagnosis of a birth condition has been made provided that such information does not include any individually identifiable health information or information that identifies the physician or other medical provider, laboratory reports, and infant, pediatric, or stillborn fetal autopsy reports.

Amend RSA 141-J:5, II as inserted by section 1 of the bill by replacing it with the following:

II. The program shall notify each individual with a confirmed birth condition diagnosis whose individually identifiable health information it proposes to include in the program of the election prior to obtaining any individually identifiable health information relating to the individual, other than name and address and diagnosis. The program shall not obtain any individually identifiable health information for any individual who does not have a confirmed birth condition diagnosis and shall retain the name and address only of any such individual for a period not to exceed 2 years.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senator Kenney is in opposition to HB 1505-FN.

Senator Letourneau is in opposition to Floor Amendment 1645 and Final Bill of HB 1505-FN.

HB 1513-FN, relative to an evidence-based prescription drug education program. Health and Human Services Committee. Interim Study, Vote 3-2. Senator Janeway for the committee.

Motion failed.

Senator Estabrook moved ought to pass.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

May 1, 2008

2008-1641s

01/04

Floor Amendment to HB 1513-FN

Amend RSA 126-A:5, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII. The commissioner or designee shall participate in the development of an evidence-based prescription drug education program designed to provide health care providers who are licensed to prescribe or dispense prescription drugs with information and education on the therapeutic and cost-effective utilization of prescription drugs. This program may be developed under the leadership of the New Hampshire Medical Society in

partnership with area health education centers programs administered by Dartmouth Medical School and any organization in New Hampshire or other state the partnership shall see fit to consult. The commissioner or partners may seek grants and financial gifts from non-profit charitable foundations to cover planning and development of this program. The commissioner or partners shall present a progress report on the development of the program to the oversight committee on health and human services by November 1, 2008.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 14 - Nays: 10

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1615-FN-A, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Janeway for the committee.

**Health and Human Services
April 23, 2008
2008-1471s
01/04**

Amendment to HB 1615-FN-A

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

AN ACT establishing the state office of rural health in the department of health and human services.

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

1 New Paragraph; State Office of Rural Health. Amend RSA 126-A:5 by inserting after paragraph XVI the following new paragraph:

XVII.(a) The commissioner shall establish the state office of rural health (SORH) within the department. The SORH shall:

- (1) Link rural health and human service providers with state and federal resources.
- (2) Find long-term solutions to the challenges of rural health.
- (3) Increase access to health care in rural and underserved areas of the state.
- (4) Improve recruitment and retention of health professionals in rural areas.
- (5) Provide technical assistance and coordination to rural communities and health organizations.
- (6) Maintain a clearing house for collecting and disseminating information on rural health care issues and innovative approaches to the delivery of health care in rural areas.
- (7) Coordinate rural health interests and activities.
- (8) Participate in strengthening state, local, and federal partnerships.

(b) The commissioner may adopt rules, pursuant to RSA 541-A, relative to accomplishing the goals under subparagraph (a).

(c) The commissioner shall submit an annual report beginning on November 1, 2009 to the speaker of the house of representatives, the senate president, and the governor on the health status of rural residents incorporating current data from the bureau of health statistics and data management and the SORH.

2 Effective Date. This act shall take effect January 1, 2009.
2008-1471s

AMENDED ANALYSIS

This bill establishes the state office of rural health (SORH) in the department of health and human services.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senator DeVries is in opposition to HB 1615-FN-A.

HB 595-FN, requiring the commissioner of the department of corrections to adopt rules establishing a policy on and procedures for an internal clemency board to review and make recommendations on requests for sentence modifications. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Gottesman for the committee.

Adopted.

Ordered to Third Reading.

HB 632-FN, relative to the penalty for death resulting from the trafficking of controlled drugs. Judiciary Committee. Interim Study, Vote 4-0. Senator Foster for the committee.

Committee report of Interim Study is adopted.

HB 682, relative to guardianship of a minor. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 702, relative to continued jurisdiction in child protection cases. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Gottesman for the committee.

Adopted.

Ordered to Third Reading.

HB 1234, establishing an affirmative defense to prosecution for a possession offense if a person has a lawful prescription for a controlled drug. Judiciary Committee. Ought to Pass, Vote 3-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

HB 1243, amending the timeframes for involuntary civil commitment of sexually violent predators. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Gottesman for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1257, relative to license suspensions for persons operating under the influence of drugs. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Gottesman for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1258, relative to vehicle impoundment following an arrest for DWI or refusing consent to a blood alcohol test. Judiciary Committee. Inexpedient to Legislate, Vote 3-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1414-FN, increasing the fee for bail commissioners. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Foster for the committee.

Senate Judiciary
April 24, 2008

2008-1516s
09/04

Amendment to HB 1414-FN

Amend RSA 597:20 as inserted by section 1 of the bill by replacing it with the following:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [~~\$30~~] **\$35**. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the [~~municipal or~~] district court is situated.

Amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist 17
May 1, 2008
2008-1653s
09/03

Floor Amendment to HB 1414-FN

Amend RSA 597:20 as inserted by section 1 of the bill by replacing it with the following:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [~~\$30~~] **\$40**. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the [~~municipal or~~] district court is situated.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1437, establishing a committee to study whether the state of New Hampshire shall establish a policy that victims of negligent or intentional tortious acts shall recover losses incurred as a result of such acts. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1568-FN, relative to endangering the public water supply. Judiciary Committee. Ought to Pass, Vote 2-0. Senator Letourneau for the committee.

Adopted.

Senator Foster Rule 42 on HB 1568-FN.

Senator Gottesman Rule 42 on HB 1568-FN.

Ordered to Third Reading.

HB 1619-FN, requiring a report of the number of female inmates incarcerated in a state correctional facility receiving sex offender treatment. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

HB 1623-FN, relative to the penalty for possession of marijuana. Judiciary Committee. Inexpedient to Legislate, Vote 4-0. Senator Letourneau for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1226, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator Barnes for the committee.

Public and Municipal Affairs

April 23, 2008

2008-1473s

08/10

Amendment to HB 1226

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

AN ACT allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department, and relative to applying municipal budget law to municipalities adopting, revising, or amending a charter by official ballot town meeting or town council.

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

2 Municipal Charters; Severability. Amend RSA 49-B:13, III to read as follows:

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town

meeting, ***official ballot town meeting, an official ballot town council***, or representative town meeting pursuant to RSA 49-D:3, ***I-a***, II, ***II-a*** and III.

3 Budget Committee; Adoption. Amend RSA 32:14, I(a) to read as follows:

(a) By any town with a town meeting form of government, including those with a budgetary town meeting ***official ballot town meeting***, or representative town meeting pursuant to RSA 49-D:3, II, ***II-a***, and III, ***or by a town with an official ballot town council form of government all of the annual town operating budget is voted upon by official ballot;***

2008-1473s

AMENDED ANALYSIS

This bill allows the town of Bristol to establish a capital reserve fund for use of the water works and sewer department.

This bill applies municipal budget law to municipalities adopting, revising, or amending a charter by official ballot town meeting or town council.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

April 30, 2008

2008-1625s

08/09

Floor Amendment to HB 1226

Amend the bill by replacing section 3 with the following:

3 Budget Committee; Adoption. Amend RSA 32:14, I(a) to read as follows:

(a) By any town with a town meeting form of government, including those with a budgetary town meeting, ***official ballot town meeting***, or representative town meeting pursuant to RSA 49-D:3, II, ***II-a***, and III, ***or by a town with an official ballot town council form of government under which part or all of the annual town operating budget is voted upon by official ballot;***

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Hassan moved to have HB 1581-FN-L removed from the table.

Adopted.

HB 1581-FN-L, relative to the formation of stormwater utility districts.

The question is on the committee report of Ought to Pass.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1573-FN-L, relative to hazardous and dilapidated buildings. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 6-0. Senator Sgambati for the committee.

Sen. Hassan, Dist. 23

April 18, 2008

2008-1430s

06/03

Amendment to HB 1573-FN-LOCAL

Amend RSA 155-B:9-a as inserted by section 3 of the bill by replacing it with the following:

155-B:9-a Municipal Lien on Owner's Interest in Property Insurance Proceeds. If the value of the subject real estate is deemed by the municipality to have insufficient value, based on the current tax assessment, to cover the cost of repairs, razing, or removal, and the owner has no other real property within the state, a municipality may assert a lien on the owner's interest in any real property insurance proceeds that are payable as a result of the damage or destruction of that property owner's real property located in the municipality. The lien shall be for the estimated cost to repair, raze, or remove the damaged structure, whichever of those options is the least expensive, minus the value in the remaining real property based on the current tax assessments. The municipal lien shall be subordinate to any lien holder of record, and to any rights, title, or interest in such real property insurance proceeds in favor of any lender holding a mortgage on such real property and who was named as an additional insured or loss payee, by means of loss payable endorsement or otherwise, on any policy of insurance insuring such real property. The insurer's obligations under this section shall commence upon its receipt of a copy of the order under RSA 155-B:4, and a statement of the estimated lien amount allowed under this section, and shall apply only to insurance proceeds held by the insurer as of that date and due to be paid to the owner. The lien, the estimated cost of which shall be approved by the court, shall be for the purpose of reimbursing the municipality for all costs permitted to be recovered by it under RSA 155-B if the municipality elects to demolish the property. Any unexpended funds from the lien shall be returned to the property owner. The property owner shall, within 72 hours of the receipt of a written request by the municipality, provide the municipality with the names, addresses, agents, and policy numbers of all insurance companies which have provided the property owner with insurance on the property. The lien shall automatically expire if the owner rebuilds or demolishes the real property in the manner required by this chapter and the municipality shall provide a written release of the lien to the insurer and the property owner. The insurer shall distribute all proceeds due to the property owner that exceed the lien amount allowed under this section. The municipality shall release the lien in order to permit payment for repairs, razing, or removal of the building.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 781-FN, relative to the duties of the department of safety. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

April 18, 2008

2008-1406s

09/04

Amendment to HB 781-FN

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

AN ACT relative to the duties of the department of safety and relative to emergency lights and warning lights.

Amend the bill by replacing all after section 11 with the following:

12 New Subdivision; Emergency Lights and Warning Lights. Amend RSA 266 by inserting after section 78 the following new subdivision:

Emergency Lights and Warning Lights

266:78-a Definitions.

I. In this section:

(a) "Emergency light" means a steady burning, oscillating, rotating, or flashing red or blue colored light.

(b) "Warning light" means a steady burning, oscillating, rotating, or flashing amber light or arrow board or white colored light.

II. Original equipment or aftermarket amber or white directional signals and red tail lamps and stop lamps used to signal turns and as hazard warning lamps shall be excluded from the definition of emergency lights and warning lights.

266:78-b Blue Lights Restricted to Law Enforcement.

I. No person other than a sworn law enforcement officer with power of arrest shall operate a vehicle equipped with blue colored lights, except in the case of a service technician driving the vehicle in connection with servicing or maintaining the vehicle.

II. Blue lights are authorized for vehicles owned or leased by state, county, municipal, or federal law enforcement agencies, fire marshal vehicles, and vehicles privately owned or leased by sworn law enforcement officers when authorized by their department heads. When blue colored lights are installed on a private vehicle owned by or leased to a law enforcement officer, such lights shall be covered when the vehicle is being driven by someone other than a law enforcement officer.

266:78-c Red Lights Restricted to Police, Fire, and Rescue Vehicles. No person other than those authorized in this section shall operate a vehicle equipped with red colored emergency lights. Red lights are authorized for the following vehicles:

I. Emergency response vehicles owned or leased by municipal, village district, or federal fire departments and forestry departments.

II. Vehicles privately owned or leased by full-time or volunteer firefighters employed by municipal, village district, or federal fire departments and forestry departments or forest fire wardens and deputy wardens when authorized by their department heads.

III. Licensed public or private ambulances and emergency medical response and rescue vehicles, and members of licensed ambulance and emergency medical response and rescue crews when authorized by their employers.

IV. Federal or state emergency management response vehicles, airport authority emergency response vehicles, and government vehicles used in response to reports of emergencies resulting from actual or potential releases, spills, or leaks of or other exposure to hazardous substances.

V. Hospital emergency personnel with a permit from the commissioner of safety issued under rules adopted pursuant to RSA 541-A, relative to the qualifications and conditions of such a permit and grounds for revoking it.

VI. Red lights as part of, but not in place of, the emergency warning systems of police vehicles.

266:78-d Additional Lights Approved for Police, Fire, and Rescue Vehicles. Police, fire, and emergency medical response vehicles, in addition to but not in place of the lights authorized by RSA 266:78-b and RSA 266:78-c, may be equipped with light bars containing one or more amber warning lights or amber arrow boards.

266:78-e Other Flashing Lamps Prohibited. Only authorized emergency vehicles may be equipped with a device that provides for alternate flashing of headlamps, alternate flashing of a vehicle's corner marker lamps, brake or tail lamps, or rear directional lamps and backup lights, or with strobe lights behind the brake lenses or parking lamps.

266:78-f Use of Lights by Law Enforcement. Law enforcement officers shall only illuminate emergency lights and warning lights when in pursuit or stopping a violator, when responding to but not returning from an emergency call for service, when conducting an escort, or when parked on or adjacent to the highway to warn other traffic of a hazard or obstruction. No person other than a sworn law enforcement officer shall drive a vehicle with a blue light or lights in operation.

266:78-g Use of Lights by Fire, Rescue, and Emergency Response Personnel. Police, fire, ambulance, and rescue vehicles, and other vehicles authorized under RSA 266:78-c shall only illuminate emergency lights and warning lights when responding to but not returning from an actual or reported emergency, transporting a patient to a hospital for emergency treatment, or when parked at the scene of an emergency for purposes of warning approaching traffic. Fire apparatus and ambulances may also illuminate emergency lights and warning lights while parking or backing the vehicle to access a garage housing the apparatus or when serving as a mobile command post to designate the location of the command post. No persons other than emergency response personnel shall drive a vehicle with red emergency lights in operation.

266:78-h Amber Warning Lights Authorized for Certain Vehicles. No person other than those authorized in this section or in RSA 266:78-c shall operate a vehicle equipped with amber colored warning lights. Amber warning lights are authorized for the following vehicles:

I. Vehicles owned by or leased to state, county, or municipal public works departments and used to maintain the highways including, but not limited to, pickup trucks, snow plows, graders, loaders, sand trucks, sweepers, and tar trucks.

II. Vehicles used by telephone, electrical, and cable utilities and tree services for maintenance of utility, sewer, and water lines.

III. United States Postal Service delivery vehicles.

IV. Wreckers and emergency highway service vehicles.

V. Vehicles escorting oversize loads.

VI. Privately owned vehicles used for snow removal on or adjacent to ways.

VII. Refuse collection vehicles and compactors.

VIII. Vehicles owned by or leased to contractors and construction companies and regularly used to provide warning of road obstructions or hazards at road or utility construction sites.

IX. Such other vehicles as may be authorized by the director.

266:78-i Use of Amber Lights. Vehicles authorized to use amber colored warning lights authorized by RSA 266:78-h shall only illuminate the warning lights when their duties require them to be stopped or parked on or immediately adjacent to a way at a road, water, or sewer line construction or maintenance site in a manner that may impede or cause a hazard to traffic, when actively engaged in the delivery of United States mail, or when actively engaged in snow removal or ice treatment or when entering or leaving a way during plowing operations, or during repair or placement of official traffic control devices, pavement marking, or escorting an oversize load or slow moving vehicle.

266:78-j Wing Lights on Snowplows. Snowplows may use amber or white wing lights to illuminate the wings of the snowplow when the plow is in operation. A white or amber light mounted on or adjacent to a salt or sand spreader may be used when the spreader is in operation.

266:78-k School Buses. School buses shall be equipped with warning lights and stop signals only as provided in RSA 266:39.

266:78-l Private Security Vehicles. Vehicles owned by or leased to licensed public or private security services but not personally owned vehicles of security guards may be equipped with amber or green warning lights, which shall only be illuminated when patrolling a shopping center or mall parking lot or other private premises or if stopped in a hazardous location for the purposes of warning approaching traffic.

266:78-m Funeral Escort and Lead Vehicles. Funeral escort and lead vehicles may be equipped with purple warning lights only as provided in RSA 265:156.

266:78-n Parade Use. Vehicles operating in a parade or celebration may display emergency lights or warning lights.

266:78-o Emergency and Warning Lights; Duties of Official Inspection Stations.

I. Official inspection stations shall not issue an inspection sticker to a vehicle equipped with emergency lights or warning lights except as authorized in this subdivision. No permit shall be required for such lights if equipped in accordance with this subdivision.

II. Public safety and emergency medical personnel presenting their privately owned vehicles for inspection shall present to the person conducting the inspection an official departmental photo identification or an official identification card or badge from their department. A letter on official stationery from their employer signed by the head of the organization authorizing the lights shall be carried in the vehicle and displayed to any law enforcement officer upon request. Failure to display such authorization shall be prima facie evidence that the vehicle was equipped in violation of this subdivision.

III. The commissioner of safety, by rule adopted pursuant to RSA 541-A, may determine the location and method of use of emergency lights and warning lights.

266:78-p Revocation of Privilege. The use of emergency lights or warning lights on personally owned or leased vehicles of public safety personnel may be revoked at any time by their department heads or emergency response employers by notifying the person in writing with a copy to the director. The director, upon a finding after a hearing that any user of emergency lights or warning lights has violated this subdivision, may revoke the authority to equip a vehicle with emergency lights or warning lights.

266:78-q Penalties. Any person convicted of a violation of this subdivision shall, notwithstanding the provisions of title LXII, be guilty of a violation and fined not less than \$250 nor more than \$500 plus penalty assessment for a first offense and not less than \$500 nor more than \$1,000 plus penalty assessment for a second offense, and any person knowingly or purposely using blue lights to commit a crime punishable as a misdemeanor shall be guilty of a misdemeanor, and any person knowingly or purposely using blue lights to commit a crime punishable as a felony shall be guilty of a class B felony. The director or the

court may suspend or revoke for a period of not less than 30 days the license or driving privilege of any person convicted of violating this subdivision.

13 Reference Change. Amend RSA 21-P:14, V(s) to read as follows:

(s) Issuance of permits for emergency lights for hospital emergency personnel pursuant to RSA ~~[266:74-a]~~ **266:78-c, V.**

14 Reference Change. Amend RSA 265:6-a, II to read as follows:

II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays emergency lights as authorized under RSA ~~[266:74]~~ **266:78-a through RSA 266:78-q.**

15 Reference Change. Amend RSA 266:109, II(c) to read as follows:

(c) Such emergency lights shall comply with the provisions of RSA ~~[266:74]~~ **266:78-a through RSA 266:78-q** and any rules adopted thereunder pursuant to RSA 541-A.

16 Repeal. The following are repealed:

I. RSA 21-I:13, XII, relative to clerical support by the department of administrative services for the enhanced 911 commission.

II. RSA 21-P:7-a, relative to the deputy director of state police.

III. RSA 21-P:12-f, relative to the division of information technology.

IV. RSA 106-H:6, II, relative to inclusion of the budget for the enhanced 911 system with the department of administrative services budget.

V. RSA 149-H, relative to the hazardous materials transportation advisory board.

VI. RSA 266:74, relative to emergency lights.

VII. RSA 266:74-a, relative to emergency lights for hospital emergency personnel.

17 Effective Date. This act shall take effect 60 days after its passage.
2008-1406s

AMENDED ANALYSIS

This bill:

I. Requires certain agency reports to be filed with the legislature in addition to the governor and council, and requires the department of safety to file its report annually rather than biennially.

II. Clarifies that the department of safety's responsibilities include administration of motor vehicle road toll laws, homeland security and emergency management; enhanced 911 services, and firefighter training.

III. Repeals the hazardous materials transportation safety board and establishes the hazardous materials transportation advisory committee.

IV. Amends references to the department of administrative services in the statutes governing the enhanced 911 system, which is now within the department of safety.

V. Removes term limits for members of the motor vehicle industry board.

VI. Authorizes the department of safety to charge a penalty for late payment of the surcharge for the enhanced 911 system fund.

VII. Revises provisions regarding emergency lights and warning lights.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 901, relative to nondriver's identification cards. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

Senator Letourneau moved to recommit.

Adopted.

HB 901 is recommitted to the Transportation and Interstate Cooperation Committee.

HB 1165, relative to department of transportation traffic control regulations. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 2-0. Senator Clegg for the committee.

Adopted.

Ordered to Third Reading.

HB 1228, relative to sales of motor fuel by the department of transportation to certain nonprofit corporations. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 2-0. Senator Clegg for the committee.

Adopted.

Ordered to Third Reading.

HB 1456, naming route 202 in Strafford county the Charles E. Smith Memorial Highway. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

Adopted.

Ordered to Third Reading.

HB 1590-FN, establishing a DWI victim fatality sign program. Transportation and Interstate Cooperation Committee. Interim Study, Vote 3-0. Senator DeVries for the committee.

Committee report of Interim Study is adopted.

Senator Letourneau is in opposition to the motion of Interim Study on HB 1590-FN.

HB 1610-FN, relative to motor carriers. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

April 23, 2008

2008-1488s

03/05

Amendment to HB 1610-FN

Amend the introductory paragraph of RSA 266:72-a, V(a) as inserted by section 2 of the bill by replacing it with the following:

V.(a) A driver of a motor carrier shall stop the vehicle on the request of any enforcement officer of the department of safety or other law enforcement agent certified to conduct truck inspections or by command of roadside signs so that the officer may:

Amend RSA 266:72-a, V(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Every owner/operator of a motor carrier, or his or her authorized agent, shall submit accounts, books, records, memoranda, correspondence, and other documents for inspection, upon demand by any enforcement officer of the department of safety or other law enforcement agent certified to conduct truck inspections who in the course of enforcing the motor carrier rules is acting within the scope of his or her duties and authority, at the motor carrier's principal place of business during regular business hours.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1641-FN, relative to collections and refunds of road tolls. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-1. Senator Clegg for the committee.

Adopted.

Ordered to Third Reading.

HB 1302-FN, relative to enforcement of gambling laws. Ways and Means Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

Senate Ways and Means

April 15, 2008

2008-1359s

08/04

Amendment to HB 1302-FN

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

1 License Applications; Charitable Organizations. Amend RSA 287-D:2-a, II(f) to read as follows:

(f) If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented ***or permission for use has been granted.***

2 License Applications. Amend RSA 287-D:2-a, V(c) to read as follows:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has, ***in any jurisdiction,*** been convicted of a felony ***or class A misdemeanor*** within the previous 10 years which has not been annulled by a court or a ***class B misdemeanor*** ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing charitable gambling.

3 License Applications Charitable Organizations. Amend RSA 287-D:2-a, VI to read as follows:

VI. If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out ***or otherwise allowing a charitable organization to use*** the premises shall be licensed by the pari-mutuel commission. ***Any entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for no more than 4 game dates per calendar year shall be exempt from the licensing requirement of this paragraph.*** The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.

4 New Paragraph; License Applications. Amend RSA 287-D:2-a by inserting after paragraph IX the following new paragraph:

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

5 License Applications. Amend RSA 287-D:2-b, III-IV to read as follows:

III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ ***pari-mutuel*** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday ***or a Saturday,*** prior to noon on a Sunday, or after 1:00 a.m. on any day.

6 License Applications. Amend RSA 287-D:2-b, VI to read as follows:

VI. ***Subject to the provisions of RSA 287-D:8, II,*** no person who has ***in any jurisdiction,*** been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past ~~[in this or any other state]~~ shall operate a game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter.

7 Operation of Games. RSA 287-D:2-b, VIII is repealed and reenacted to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the

account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including prizes of more than \$500 and equipment and hall rental fees shall be paid by check from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the pari-mutuel commission.

8 Licensing of Game Operators. Amend RSA 287-D:2-c, II to read as follows:

II. Applications **for individual game operators and for game operator employers** shall be made only on the forms supplied to the game operator by the pari-mutuel commission including, at a minimum, the following information **as applicable**, provided that the pari-mutuel commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The name **and social security number** of the game operator **or for an organization the name and federal tax identification number. The pari-mutuel commission shall not disclose any social security number submitted.**

(b) The name of the game operator's employer and the employer's address and telephone number.

(c) A list of the games of chance in which the game operator will participate including the date of the game, the location of the game, and the charitable organization holding the game.

(d) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending; ~~and~~

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business; **and**

(g) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

9 Licensing of Game Operators. Amend RSA 287-D:2-c, III(b) to read as follows:

(b) Has submitted a background and criminal **record** check pursuant to RSA 287-D:8; and

10 Licensing of Game Operators. Amend RSA 287-D:2-c, V to read as follows:

V. The game operator or the game operator's employer shall submit a ~~[\$20,000]~~ bond to the pari-mutuel commission **in an amount up to \$300,000 as determined by the pari-mutuel commission. Such bond shall be included** with the application form.

11 New Paragraphs; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph V the following new paragraphs:

VI. To be eligible for licensure under this chapter, a licensed game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed game operator in which the money from games of chance shall be deposited and withdrawn.

VII. Game operators who operate games of chance on behalf of a charitable organization shall be responsible for all requirements that the charitable organization would otherwise be responsible for if they were operating the games of chance themselves.

12 License Fees and Specifications. RSA 287-D:2-d, III is repealed and reenacted to read as follows:

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the pari-mutuel commission in rules adopted pursuant to RSA 541-A, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

13 New Paragraph; License Fees and Specifications. Amend RSA 287-D:2-d by inserting after paragraph VI the following new paragraph:

VII. Any game operator licensed pursuant to RSA 287-D:2-c shall be issued, as part of the yearly license, an identification badge by the pari-mutuel commission. The fee for such badge shall be established by the commission. The commission shall adopt rules pursuant to RSA 541-A to specify badge requirements.

14 Equipment; Inspection. Amend RSA 287-D:3, II to read as follows:

II. ~~[Any and]~~ All devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement **or pari-mutuel** officials.

15 New Paragraphs; Penalties. Amend RSA 287-D:6 by inserting after paragraph III the following new paragraphs:

IV. The commission may issue an order requiring any person or organization, to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

V. The commission may impose an administrative fine scaled to reflect the violator's prior history and the scope and severity of the violation, after notice and an opportunity for a hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter or any order issued pursuant to this subdivision, or upon any person who makes or certifies a material false statement relative to any application or report required by this subdivision. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter. Rehearings and appeals from a decision of the commission under this paragraph shall be in accordance with RSA 541. Fines imposed by the commission shall be determined as follows:

(a) For a minor deviation from a requirement, the fine shall be not less than \$25 and not more than \$1,500 per violation.

(b) For a moderate deviation from a requirement, the fine shall be not less than \$100 and not more than \$2,500 per violation.

(c) For a major deviation from a requirement, the fine shall be not less than \$250 and not more than \$5,000 per violation.

(d) For repeat violations, the commission may assess an additional fine.

VI. All fines imposed by the commission shall be deposited in the fund established pursuant to RSA 284:21-j.

16 New Paragraphs; Rulemaking. Amend RSA 287-D:1-b by inserting after paragraph XII the following new paragraphs:

XII-a. Administrative orders and fines pursuant to RSA 287-D:6.

XII-b. Badge specifications, requirements and fees pursuant to RSA 287-D:2-d, VII.

XII-c. Game operator fees pursuant to RSA 287-D:2-d, III.

17 Background Check. Amend RSA 287-D:8, II to read as follows:

II. Upon receipt of an applicant's criminal record information, the pari-mutuel commission shall make a determination of eligibility for licensure **and whether the applicant is fit to be associated with games of chance in New Hampshire.**

18 Federal Background Check. Amend RSA 287-D:8, III to read as follows:

III. ~~[All applicants shall also be subject to a background check by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.]~~ **Every**

applicant shall submit to the pari-mutuel commission a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the pari-mutuel commission.

IV. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the pari-mutuel commission may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

V. The pari-mutuel commission shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the pari-mutuel commission. The pari-mutuel commission shall maintain the confidentiality of all criminal history records information received pursuant to this section.

VI. The pari-mutuel commission shall bill the applicant for any fee associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph V.

19 New Paragraph; Game Operator; Definition. Amend RSA 287-D:1 by inserting after paragraph IV the following new paragraph:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, or handling chips.

20 Game Operator; Definition. Amend RSA 287-D:2-a, VIII(b) to read as follows:

(b) A licensed game operator pursuant to RSA ~~[287-D:2-e]~~ **287-D:1**.

21 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-c, I, relative to the definition of game operator.

III. RSA 287-D:2-d, IV, relative to authorization of specific games.

IV. RSA 284:23, V, relative to tax rates for Rockingham Park.

22 Effective Date.

I. RSA 287-D:2-a, VIII(b) as inserted by section 20 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect June 30, 2008.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1303-FN, relative to limiting games of chance. Ways and Means Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Ways and Means

April 23, 2008

2008-1474s

08/04

Amendment to HB 1303-FN

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Rulemaking; Games of Chance. Amend RSA 287-D:1-b by inserting after paragraph VI the following new paragraph:

VI-a. Game rules for each authorized game of chance. In adopting rules under this paragraph, the pari-mutuel commission may incorporate by reference rules and regulations of other state agencies relative to games of chance rules.

Amendment adopted.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

April 29, 2008

2008-1580s

08/04

Floor Amendment to HB 1303-FN

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

6 Compensation of Game Operators. Amend RSA 287-E:7, II to read as follows:

II. No compensation shall be paid to operators of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Operators of bingo games may be reimbursed for their out-of-pocket expenses in an amount not to exceed [~~\$25~~] **\$60** per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

2008-1580s

AMENDED ANALYSIS

This bill limits games of chance to those types of games specifically authorized by the pari-mutuel commission.

This bill also raises the limit for which game operators may be reimbursed for out-of-pocket expenses.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1309-FN-A, relative to the definition of "cigarette". Ways and Means Committee. Ought to Pass, Vote 3-2. Senator Odell for the committee.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8

May 1, 2008

2008-1659s

09/01

Floor Amendment to HB 1309-FN-A

Amend RSA 78:1, XVII(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Any roll for smoking containing tobacco wrapped in any substance containing tobacco, however labeled or named, if such roll of tobacco weighs not more than 3 pounds per thousand.

A roll call was requested.

Senator Gatsas withdrew his request for a roll call.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

Floor amendment adopted.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 13 - Nays: 11

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1585-FN, relative to regulation of fuel gas fitters by the state fire marshal. Ways and Means Committee. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means
April 22, 2008
2008-1458s
10/01

Amendment to HB 1585-FN

Amend the bill by replacing section 1 with the following:

1 Fuel Gas Fitters; Fees. Amend RSA 153:28, I(d) to read as follows:

(d) After the first year, fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established by RSA 21-P:12-d, ***and used for the purposes of operating expenses of the state fire marshal's administration of this subdivision. Fees collected in excess of \$125,000 biennially shall be deposited in the general fund as unrestricted revenue.***

Amendment failed.

Senator Odell offered a floor amendment.

Sen. Odell, Dist. 8
April 29, 2008
2008-1575s
10/01

Floor Amendment to HB 1585-FN

Amend the bill by replacing section 1 with the following:

1 Fuel Gas Fitters; Fees. Amend RSA 153:28, I(d) to read as follows:

(d) After the first year, fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees ***collected*** shall be deposited in the ~~[fire standards and training and emergency medical services fund, established by RSA 21-P:12-d]~~ ***general fund.***

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1603-FN-A, establishing a penalty for payment of a state obligation with an invalid form of payment. Ways and Means Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

RESOLUTION

Senator Foster moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 595-FN, requiring the commissioner of the department of corrections to adopt rules establishing a policy on and procedures for an internal clemency board to review and make recommendations on requests for sentence modifications.

HB 702, relative to continued jurisdiction in child protection cases.

HB 765-FN, establishing a committee to study the financial liability for placement of a child with a disability.

HB 781-FN, relative to the duties of the department of safety.

HB 1127, relative to determining a bargaining unit in public employee labor relations.

HB 1165, relative to department of transportation traffic control regulations.

HB 1174, relative to condominium association meetings.

HB 1204, relative to the number of write-in votes required to receive a party's nomination.

HB 1226, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department.

HB 1227, clarifying when persons elected may assume certain offices.

HB 1228, relative to sales of motor fuel by the department of transportation to certain nonprofit corporations.

HB 1234, establishing an affirmative defense to prosecution for a possession offense if a person has a lawful prescription for a controlled drug.

HB 1246, relative to insurance policy denial provisions.

HB 1274, relative to certain securities professional designations and securities administration.

HB 1279, relative to the scope of certain insurance laws.

HB 1302-FN, relative to enforcement of gambling laws.

HB 1303-FN, relative to limiting games of chance.

HB 1305-FN-L, relative to filing for election to town offices.

HB 1349, relative to membership on the council on resources and development.

HB 1371, extending certain studies.

HB 1396-FN, relative to requiring prescriptions to be ordered pursuant to a practitioner-patient relationship.

HB 1402-FN, relative to community health centers.

HB 1410, relative to youth training and employment in firefighting.

HB 1414-FN, increasing the fee for bail commissioners.

HB 1456, naming route 202 in Strafford county the Charles E. Smith Memorial Highway.

HB 1502-FN, relative to disposal of used needles.

HB 1505-FN, establishing the New Hampshire birth conditions program.

HB 1508-FN, relative to prohibited influence of voters and persons intending to vote and relative to the applicability of political advertising and push polling restrictions.

HB 1513-FN, relative to an evidence-based prescription drug education program.

HB 1568-FN, relative to endangering the public water supply.

HB 1573-FN-L, relative to hazardous and dilapidated buildings.

HB 1578-FN, relative to insurance fraud.

HB 1585-FN, relative to regulation of fuel gas fitters by the state fire marshal.

HB 1603-FN-A, establishing a penalty for payment of a state obligation with an invalid form of payment.

HB 1610-FN, relative to motor carriers.

HB 1615-FN-A, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

HB 1619-FN, requiring a report of the number of female inmates incarcerated in a state correctional facility receiving sex offender treatment.

HB 1633-FN, relative to the regulation of licensed alcohol and drug use counselors.

HB 1641-FN, relative to collections and refunds of road tolls.

HCR 15, commemorating the commissioning of the USS New Hampshire.

ANNOUNCEMENTS

Senator D'Allesandro (Rule 44).

Senator Larsen moved that, without objection, all Rule 44's are entered into the permanent record.

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.