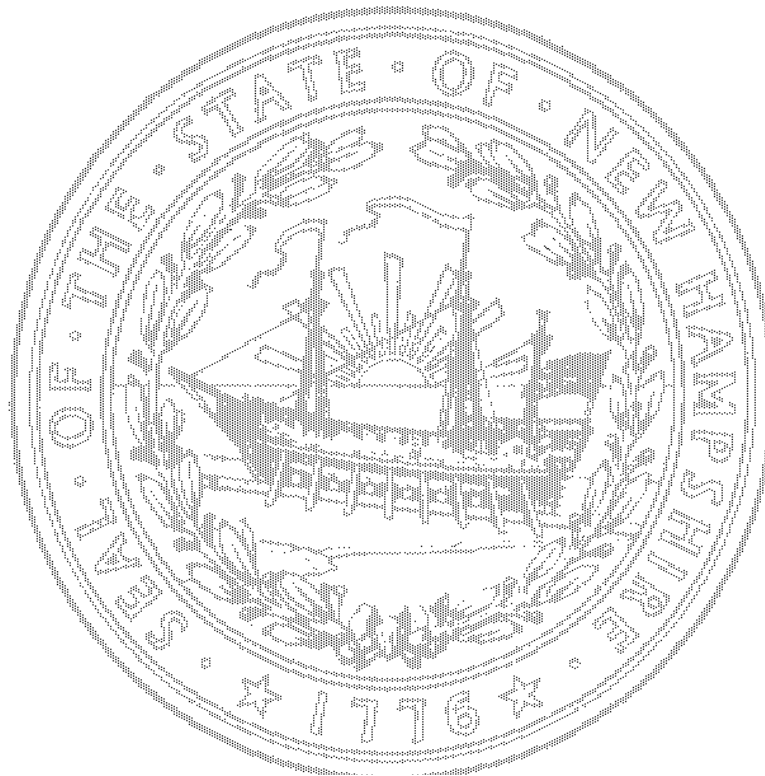


May 8, 2008
Nos. 15-16

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 1, 2008 SESSION
COMMENCEMENT – MAY 8, 2008 SESSION

SENATE

JOURNAL 15 (continued)

May 1, 2008

HOUSE MESSAGE

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

SB 311-FN, extending the statute of limitations for civil actions based upon a sexual assault case.

SB 323-FN, repealing a provision relative to the calculation of multiple concurrent or consecutive sentences of imprisonment.

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries.

SB 399, permitting annulment of certain criminal records in the supreme court.

SB 400, relative to the authority of bail commissioners.

SB 407, establishing a committee to study the right of entry upon lands for purposes of conducting a land survey.

SB 453, relative to the terms of members of the electricians' board.

SB 478, relative to processing absentee ballots.

SB 488, relative to jurisdiction of the probate courts and superior courts.

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 334-FN, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board.

SB 348-FN, relative to the certification of forensic counselors by the board of forensic counselors.

SB 389, relative to privileged communications between health care providers and minor children.

SB 416, relative to subdivision and site plan regulation waivers.

SB 464, relative to the number of children in a licensed foster home.

SB 470, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

SB 515-FN-A, relative to the combat veteran business tax credit.

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 159, establishing an interbranch criminal and juvenile justice council.

HB 295, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel and clarifying a definition of provider of electricity.

HB 678-FN, establishing a committee to study issues related to cochlear implants.

HB 759-FN, relative to administration and enforcement of banking laws.

HB 858-FN, relative to a discount medical plan organization.

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device.

HB 1141, establishing a committee to study parking for wheelchair-lift vans.

HB 1168, relative to acceptance of property donated to towns and village districts and extending the time for the city of Rochester to commit to acquiring Skyhaven airport.

HB 1235, relative to motorist duties when approaching highway emergencies.

HB 1244, relative to auditable basis policies.

HB 1307, making technical corrections to town audit and reporting requirements.

HB 1367, relative to the conversion to a new state financial accounting and statewide budget system.

HB 1601-FN-A, relative to funding for certain capital projects of the Pease development authority, relative to reporting dates for the instream flow pilot program, and relative to certain requirements under the comprehensive shoreland protection act.

HB 1607-FN, relative to firefighter services leave for state employees.

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 185-FN, relative to economic revitalization zone credits.

HB 399, relative to the minimum hourly rate of compensation.

HB 1130, relative to repealed DWI laws.

HB 1191, relative to environmental investigations in tax lien and tax sale proceedings.

HB 1232, relative to the regulation by the fish and game department of baiting of game birds.

HB 1240, relative to disqualification of certain election officers and relative to arrangement of polling places.

HB 1245, relative to insurance department records, investigations, and enforcement.

HB 1247, relative to revolving accounts for public, educational, and governmental access to cable.

HB 1278, relative to the purchase of computer services and supplies for state agencies.

HB 1348, relative to the milk producers emergency relief fund.

HB 1447-FN, relative to Medicaid for employed adults with disabilities.

HB 1451, relative to the transportation of deer by certain persons not issued a deer tag.

HB 1480, authorizing the commissioner of revenue administration to deny certain tobacco licenses.

HB 1485, relative to state reimbursement under the housing security guarantee program.

HB 1591-FN, relative to vehicles traded to automobile dealers.

HB 1643-FN, relative to medical benefits payment by the retirement system for eligible group I teachers and political subdivision employees in the retirement system.

HB 1652-FN-A, relative to the state obligation for payment of the non-federal share of FEMA public assistance and making an appropriation therefor.

SB 366, relative to the operation of the state suggestion and extraordinary service award program.

SB 502-FN, relative to unemployment compensation.

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 1601-FN-A, relative to funding for certain capital projects of the Pease development authority, relative, to reporting dates for the instream flow pilot program, and relative to certain requirements under the comprehensive shoreland protection act.

HB 1168, relative to acceptance of property donated to towns and village districts and extending the time for the city of Rochester to commit to acquiring Skyhaven airport.

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

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 172-FN relative to state meat inspection.

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

HB 666-FN, relative to the immunizations included for reimbursement in the animal population control program.

HB 740-FN, relative to mental health services.

HB 1157, relative to requirements for approval of village plan alternative subdivisions.

HB 1294, establishing the offense of public urination or defecation.

HB 1295, establishing a commission to study issues relating to stormwater.

HB 1297, relative to licenses for aquaculture issued by the fish and game department.

HB 1338, establishing an arboviral illness task force and relative to mosquito control and abatement.

HB 1382, adopting the uniform prudent management of institutional funds act.

HB 1448-FN, relative to documents prepared by the department of transportation and reimbursement fees for such documents.

HB 1569-FN, relative to the use of drugs on wildlife.

HB 1604-FN, relative to the electronic toll collection system.

HB 1631-FN, relative to the state purchase of biodiesel fuels.

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

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

Senator D'Allesandro moved adoption.

Adopted.

May 5, 2008
2008-1696-EBA
05/10

Enrolled Bill Amendment to HB 1129

The Committee on Enrolled Bills to which was referred HB 1129

AN ACT relative to special number plates for municipal police department vehicles.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1129

This enrolled bill amendment inserts a contingency to incorporate changes made to RSA 261:91 by SB 303.

Enrolled Bill Amendment to HB 1129

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

2 Special Number Plates. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members of the national guard, active duty members of the armed forces, justices of the supreme and superior courts, and vehicles of state police and motor vehicle divisions ***and municipal police departments***. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members of the national guard, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

3 Contingency. If SB 303 of the 2008 legislative session becomes law, section 2 of this act shall take effect 60 days after its passage and section 1 of this act shall not take effect. If SB 303 of the 2008 legislative session does not become law, section 2 of this act shall not take effect and section 1 of this act shall take effect 60 days after its passage.

4 Effective Date.

- I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.
- II. The remainder of this act shall take effect upon its passage.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE

JOURNAL 16

May 8, 2008

The Senate reconvened at 10:00 a.m. A quorum was present.

The Reverend Canon Timothy Rich, chaplain to the Senate, offered the following remarks and prayer:

Well, hi, gang. Nice to see you. Long time no see. There's an (indiscernible) Proverb hanging on my office wall, and it reads: "When you pray, move your feet." It was a gift from my wife

Oh, ever-present God, we give You thanks for those continual whispers which seek to guide our thoughts and speech. Help us as well to feel Your nudges which seek to direct our movements and actions. Remind us that words must be accompanied by deeds, and that for leaders and people of faith, sometimes these deeds might require risk or courage or even sacrifice. And as the people of this body seek to serve You fully and faithfully, embolden them to know that when they legislate, they must move their feet. Amen

Senator Barnes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Honorable Leo Lessard.

Honorable James Ruben.

Senate Page: Katharine Fox

Senate Page: Melissa Tilley

Legislative Aide: Jill Sokness – Senate Education

SPECIAL ORDER

Senator Foster moved that all bills in the Judiciary Committee be Special-Ordered to the end of today's Senate Calendar.

Senator Larsen moved that, without objection, we will move all bills in the Judiciary Committee to the end of today's Senate Calendar.

SPECIAL ORDER

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 1290-L, establishing a committee to study insurance coverage and related issues for children required to do community service. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

HB 1488, establishing a committee to study the feasibility of establishing pro se law libraries. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Clegg for the committee.

HB 1596-FN-L, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau 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.

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Clegg for the committee.

COMMITTEE REPORTS

HB 432-FN, relative to certain on-premises beverage and liquor licenses. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Barnes for the committee.

Commerce, Labor, and Consumer Protection

April 29, 2008

2008-1598s

03/01

Amendment to HB 432-FN

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

AN ACT establishing a commission to study on-premises beverage and liquor licenses.

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

1 Commission Established. There is established a commission to study on-premises beverage and liquor licenses.

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) A representative of the New Hampshire Wholesale Beverage Association, appointed by the association.

(d) A representative of the New Hampshire Insurance Department, appointed by the commissioner.

(e) A representative from the hospitality industry, appointed by the governor.

(f) A representative of the New Hampshire Trial Lawyers Association, appointed by the association.

(g) A representative of the New Hampshire liquor commission, appointed by the chairman.

(h) A representative of the law enforcement community, appointed by the governor.

(i) A representative of New Futures, appointed by that organization.

(j) A representative of the New Hampshire Municipal Association, appointed by the association.

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

3 Duties. The commission shall study on-premises beverage and liquor licenses.

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

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.
2008-1598s

AMENDED ANALYSIS

This bill establishes a commission to study on-premises beverage and liquor licenses.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

May 5, 2008

2008-1683s

03/01

Floor Amendment to HB 432-FN

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

(e) A representative of the New Hampshire Lodging & Restaurant Association, appointed by the association.

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

(h) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 436, expanding employee freedom of expression to all public employees. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

Adopted.

Ordered to Third Reading.

HB 1197, relative to liquor advertising. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 6-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1237, establishing a committee to study liquor advertising by the liquor commission. 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 29, 2008

2008-1593s

03/05

Amendment to HB 1237

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

AN ACT establishing a committee to study liquor advertising by the liquor commission and relative to race track cocktail lounge licenses.

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

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

Amend the bill by replacing section 4 with the following:

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

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

6 New Subparagraph; Race Track Cocktail Lounge Licenses. Amend RSA 178:22, V(n) by inserting after subparagraph (2) the following new subparagraph:

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed under this section may allow patrons to carry beverages into the facility for on-premise consumption with approval of the commission.

2008-1593s

AMENDED ANALYSIS

This bill establishes a committee to study liquor advertising by the liquor commission. This bill also permits the holder of a race track cocktail lounge license to carry beverages into the facility for on-premises consumption.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1376, relative to insurance penalties. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

Adopted.

Senator Foster, Rule 42 on HB 1376.

Ordered to Third Reading.

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-1. Senator Gottesman for the committee.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A roll call was requested by Senator Barnes.

Seconded by Senator Foster.

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

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

Yeas: 10 - Nays: 14

Motion failed.

Senator Hassan moved ought to pass.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist 23

May 8, 2008

2008-1780s

01/09

Floor Amendment to HB 1436

Amend RSA 273-A:12 as inserted by section 1 of the bill by replacing it with the following:

VII. For collective bargaining agreements entered into after the effective date of this section, if the impasse is not resolved at the time of the expiration of the parties' agreement, the terms of the collective bargaining agreement shall continue in force and effect, including but not limited to the continuation of any pay plan included in the agreement, until a new agreement shall be executed. Provided, however, that for the purposes of this paragraph, the terms shall not include cost of living increases and nothing in this paragraph shall require payments of cost of living increases during the time period between contracts.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Barnes.

Seconded by Senator Foster.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Floor amendment adopted.

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

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

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

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

Yeas: 13 - Nays: 11

Adopted.

Ordered to Third Reading.

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state. Education Committee. Ought to Pass with Amendment, Vote 2-1. Senator Kelly for the committee.

Senate Education

April 29, 2008

2008-1595s

04/05

Amendment to HB 330

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

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

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 679-FN-L, relative to delivery of special education services. Education Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Education

April 30, 2008

2008-1610s

04/09

Amendment to HB 679-FN-LOCAL

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Delinquent Children; Release or Detention. Amend RSA 169-B:14 by inserting after paragraph II the following new paragraph:

II-a. After arraignment, the court shall determine if the legally liable school district shall be joined pursuant to RSA 169-B:22.

Amend RSA 169-B:16, III(b) as inserted by section 6 of the bill by replacing it with the following:

(b) Determine whether the legally liable school district shall be joined pursuant to RSA 169-B:22, and if joined, review the school district's recommendations. The court shall not issue a disposition order until it reviews the investigative report required under this chapter or the school district recommendations required under RSA 169-B:22.

Amend RSA 169-B:22, IV-V as inserted by section 8 of the bill by replacing them with the following:

IV. In an administrative due process hearing conducted by the department of education pursuant to RSA 186-C, a school district may provide a hearing officer with information from district court records which the school district has accessed pursuant to paragraph II of this section, provided that:

(a) At least 20 days prior to providing any records to the hearing officer, the school district files notice of its intention to do so with the court and all parties to the proceedings, and no party objects to the release of records;

(b) The notice filed by a school district under this section shall include, on a separate sheet of paper, the following statement in bold typeface: "Persons subject to juvenile proceedings have important rights to the confidentiality of juvenile court proceedings. This notice requests the disclosure of some or all of that information. If you object to the disclosure of information, you must file a written objection with the court no later than 10 days after the filing of the school district's notice. If you fail to object in writing, the court may allow private information to be revealed to the New Hampshire Department of Education hearing officer."; and

(c) Any objection by a party shall be filed with the court no later than 10 days after the filing of the school district's notice with the court, unless such time is extended by the court for good cause.

V. The court may, on its own initiative and no later than 13 days after the filing of the school district's notice to the court, issue an order directing the school district to show cause as to why the information should be disclosed to the hearing officer. Upon receipt of an objection or issuance of a show cause order, the court shall schedule an expedited hearing on the matter to determine if the requested records may be released. The court may rule without a hearing if the school district and a parent or legal guardian or the juvenile, if he or she has reached the age of majority, agree in writing to waive a hearing. Upon the filing of an objection or show cause order, the school district may file a reply explaining why the school district believes that the information should be disclosed to the hearing officer. In determining whether to authorize the disclosure of the information requested by the school district, the court shall balance the importance of disclosure of the records to a fair and accurate determination of the merits against the privacy interests of the parties to the proceedings, and render a written decision setting forth its findings and rulings. No information released to a hearing officer pursuant to this paragraph shall be disclosed to any other person or entity without the written permission of the court, the child's parent or legal guardian, or the juvenile if he or she has reached the age of majority, except that a court conducting an appellate review of an administrative due process hearing shall have access to the same information released to a hearing officer pursuant to this paragraph.

VI. In this section, "child with a disability" shall be as defined in RSA 186-C.

Amend RSA 169-C:18, V as inserted by section 9 of the bill by replacing it with the following:

V. If the court determines that a child has been abused or neglected, the court shall order a child placing agency to make an investigation and a social study consisting of, but not

limited to, the home conditions, family background, and financial assessment, school record, mental, physical and social history of the family, including sibling relationships and residences for appropriateness of preserving relationships between siblings who are separated as a result of court ordered placement, and submit it in writing to the court prior to the final disposition of the case. ***The court shall determine whether the legally liable school district shall be joined pursuant to RSA 169-C:20, and if joined, the court shall review the school district's recommendations.*** No disposition order shall be made by a court without first reviewing the social study, except pursuant to a voluntary consent order or when waived by all the parties, ***and without first reviewing the school district recommendations required under RSA 169-C:20.*** Preliminary orders, continued pursuant to RSA 169-C:16, may be entered or modified as appropriate until the dispositional hearing.

Amend RSA 169-C:20, IV-V as inserted by section 10 of the bill by replacing them with the following:

IV. In an administrative due process hearing conducted by the department of education pursuant to RSA 186-C, a school district shall not provide a hearing officer with information from or copies of records maintained by the court which the school district has accessed pursuant to paragraph II of this section, unless the court issues an order authorizing such a release by the school district in accordance with the following:

(a) A school district seeking such authorization shall file a motion with the court describing the need for the disclosure in the department of education proceeding, with copies delivered to all parties on the same day the motion is filed with the court;

(b) A motion filed by a school district under this provision shall include, on a separate sheet of paper, the following statement in bold typeface: "Persons subject to juvenile proceedings have important rights to the confidentiality of juvenile court proceedings. This motion requests the disclosure of some of that information. If you object to the disclosure of information, you must file a written objection with the court no later than 10 days after the filing of the school district's notice. If you fail to object in writing, the court may allow private information to be revealed to the New Hampshire Department of Education hearing officer." ; and

(c) Any objection by a party shall be filed with the court no later than 10 days after the filing of the school district's notice with the court, unless such time is extended by the court for good cause.

V. The court shall schedule an expedited hearing on the matter to determine if such information may be released. The court may rule without a hearing if there is no objection filed or if the school district and a parent or legal guardian or the juvenile, if he or she has reached the age of majority, agree in writing to waive a hearing. In determining whether to authorize the disclosure of the information requested by the school district, the court shall balance the importance of disclosure of the records to a fair and accurate determination of the merits against the privacy interests of the parties to the proceedings, and render a written decision setting forth its findings and rulings. No information released to a hearing officer pursuant to this paragraph shall be disclosed to any other person or entity without the written permission of the court, the child's parent or legal guardian, or the juvenile if he or she has reached the age of majority, except that any court reviewing an administrative due process hearing on appeal shall have access to the same information released to a hearing officer pursuant to this paragraph.

VI. In this section, "child with a disability" shall be as defined in RSA 186-C.

Amend RSA 169-D:18, IV-V as inserted by section 14 of the bill by replacing them with the following:

IV. In an administrative due process hearing conducted by the department of education pursuant to RSA 186-C, a school district may provide a hearing officer with information from district court records which the school district has accessed pursuant to paragraph II of this section, provided that:

(a) At least 20 days prior to providing any records to the hearing officer, the school district files notice of its intention to do so with the court and all parties to the proceedings, and no party objects to the release of records.

(b) The notice filed by a school district under this provision shall include, on a separate sheet of paper, the following statement in bold typeface: "Persons subject to juvenile proceedings have important rights to the confidentiality of juvenile court proceedings. This notice requests the disclosure of some of that information. If you object to the disclosure of information, you must file a written objection with the court no later than 10 days after the filing of the school district's notice. If you fail to object in writing, the court may allow private information to be revealed to the New Hampshire Department of Education hearing officer." ; and

(c) Any objection by a party shall be filed with the court no later than 10 days after the filing of the school district's notice with the court, unless such time is extended by the court for good cause.

V. The court may, on its own initiative and no later than 13 days after the filing of the school district's notice to the court, issue an order directing the school district to show cause why the information should be disclosed to the hearing officer. Upon receipt of an objection or issuance of a show cause order, the court shall schedule an expedited hearing on the matter to determine if the requested records may be released. The court may rule without a hearing if the school district and a parent or legal guardian or the juvenile, if he or she has reached the age of majority, agree in writing to waive a hearing. Upon the filing of an objection or show cause order, the school district may file a reply explaining why the school district believes that the information should be disclosed to the hearing officer. In determining whether to authorize the disclosure of the information requested by the school district, the court shall balance the importance of disclosure of the records to a fair and accurate determination of the merits against the privacy interests of the parties to the proceedings, and render a written decision setting forth its findings and rulings. No information released to a hearing officer pursuant to this paragraph shall be disclosed to any other person or entity without the written permission of the court, the child's parent or legal guardian, or the juvenile if he or she has reached the age of majority, except that a court conducting an appellate review of an administrative due process hearing shall have access to the same information released to a hearing officer pursuant to this paragraph.

VI. In this section, "child with a disability" shall be as defined in RSA 186-C.

Amend the bill by inserting after section 19 the following and renumbering the original sections 20-32 to read as 21-33, respectively:

20 Pupils; Right of Attendance. Amend the introductory paragraph of RSA 193:28 to read as follows:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, or is placed by the department of health and human services in the home of a relative or friend of such child pursuant to RSA 169-B, RSA 169-C, RSA 169-D, **RSA 170-C**, or RSA 463, such child, if of school age, shall be entitled to attend:

Amendment adopted.

Senator Foster, Rule 42 on HB 679-FN-L.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

May 8, 2008

2008-1779s

04/09

Floor Amendment to HB 679-FN-LOCAL

Amend RSA 169-C:18, V as inserted by section 9 of the bill by replacing it with the following:

V. If the court determines that a child has been abused or neglected, the court shall order a child placing agency to make an investigation and a social study consisting of, but not limited to, the home conditions, family background, and financial assessment, school record, mental, physical and social history of the family, including sibling relationships and residences for appropriateness of preserving relationships between siblings who are separated as a result of court ordered placement, and submit it in writing to the court prior to the final disposition of the case. ***The court shall determine whether the minor's school district shall be joined pursuant to RSA 169-C:20, and if joined, the court shall review the school district's recommendations.*** No disposition order shall be made by a court without first reviewing the social study [~~except pursuant to a voluntary consent order or when waived by all the parties~~] ***and without first reviewing the school district recommendations required under RSA 169-C:20.*** Preliminary orders, continued pursuant to RSA 169-C:16, may be entered or modified as appropriate until the dispositional hearing.

Amend the bill by inserting after section 11 the following and renumbering the original sections 12-33 to read as 13-34, respectively:

12 Children in Need of Services; Diversion. Amend RSA 169-D:9, I to read as follows:

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court-approved diversion program or other community resource. Referral may be made by a law enforcement agency or juvenile probation and parole officer prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court. ***When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a child has a disability, an administrator at the responsible school district***

shall be notified. If appropriate, the school district shall refer the child for evaluation to determine if the child is in need of special education and related services. The administrative judge of the district court shall have authority to approve diversion procedures for use by the courts in all juvenile matters throughout the state.

Floor amendment adopted.

Senator Foster, Rule 42 on HB 679-FN-L.

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

Adopted.

Senator Foster, Rule 42 on HB 679-FN-L.

Referred to the Finance Committee (Rule 26).

HB 766-FN, making changes to the laws relating to special education. Education Committee. Ought to Pass with Amendment, Vote 4-0. Senator Estabrook for the committee.

Senate Education
April 30, 2008
2008-1602s
04/09

Amendment to HB 766-FN

Amend RSA 186-C:3-a, V as inserted by section 4 of the bill by replacing it with the following:

V. The ~~[division]~~ **department of education** shall monitor the operations of local school districts, **regional special education centers, charter schools, and private organizations or state programs for the benefit of the education of children with disabilities** regarding compliance with state and federal laws regarding the education of students with ~~[educational]~~ disabilities. The ~~[division's regulatory program]~~ **department's monitoring, regulatory oversight, and program approval** shall be structured and implemented in a prudent manner and shall not place an excessive administrative burden on local districts. The ~~[division]~~ **department** and districts shall approach monitoring and regulation in a constructive, cooperative manner, **while also ensuring accountability for failing to meet standards** ~~[with a goal of improving special education in New Hampshire]~~ **and ensuring the special education needs of children with disabilities are met.**

Amend RSA 186-C:3-b, II(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Individuals with disabilities or parents of children with disabilities, appointed by the governor.

Amend RSA 186-C:3-b, II(p) as inserted by section 4 of the bill by replacing it with the following:

(p) ***One individual representing children with disabilities who are home-schooled, appointed by the governor.***

Amend RSA 186-C:3-b, II (r)-(s) as inserted by section 4 of the bill by replacing it with the following:

(r) ~~[An official who carries out]~~ ***A state and a local educational official who are responsible for performing*** activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, ***appointed by the governor.***

(s) A representative from the department of health and human services responsible for foster care, ***recommended by the commissioner of the department of health and human services and appointed by the governor.***

Amend RSA 186-C:3-b as inserted by section 4 of the bill by deleting subparagraph II(t).

Amend RSA 186-C:3-b, III(a) as inserted by section 4 of the bill by replacing it with the following:

III.(a) Committee members shall be appointed to ~~[3-year]~~ ***staggered 2-year*** terms, and members may succeed themselves ~~[for one additional term]~~.

Amend RSA 186-C:5, III(f) as inserted by section 5 of the bill by replacing it with the following:

(f) Program approval and monitoring personnel or teams, which shall be knowledgeable in research-based education, special education practices, professionally recognized program evaluation practices, the Individuals With Disabilities Education Act, and state special education laws and which shall receive appropriate training to participate in the monitoring process. Such personnel or teams for on-site monitoring shall consist of at least one of each of the following: an educator, an educational administrator, and a parent who resides in another school district, who shall receive mileage reimbursement. The department may determine that for certain on-site visits less than a full team is necessary. The department directly or by contract shall develop and train a group of parents on the requisites needed to carry out the monitoring duties. Where volunteers or contracted personnel are used for the non-parent team slots, attempts shall be made to use or balance teams with personnel from non-school district sources such as qualified individuals from higher education. Educators and educational administrators that are used (1) may not review schools in school districts in which they are employed or have been employed in the previous 2 years and (2) may not be from schools which in the current or prior 3 years have been the subject of mandatory technical assistance under subparagraph V(a)(2) or any of the interventions in subparagraphs V(a)(3)-(12). The department shall make available sufficient funds for stipends or similar financial remuneration, in addition to expense reimbursements to ensure that teams have a diversity of perspectives and high quality professional membership The department of education may contract with an individual or organization which has the requisite expertise and skill to perform the monitoring activities, and who is otherwise independent from school district and non-school district programs in New Hampshire. This subparagraph shall not be construed to preclude individuals who may have performed sporadic or

occasional contract or volunteer work for school district or non-school district programs.

Amend RSA 186-C:5, V(e)(10) as inserted by section 5 of the bill by replacing it with the following:

(10) Ceasing payments of state or federal special education funds to the school district or other public agency until the department of education determines the school district or other public agency is in compliance.

Amend RSA 186-C:7-a, IV as inserted by section 7 of the bill by replacing it with the following:

IV. The commissioners of ***the departments of*** education and health and human services shall submit a copy of the ~~[initial]~~ interagency agreement for special education, ***reflecting changes required under this section,*** to the appropriate standing committees of each house of the general court on or before ~~[September 1, 1985]~~ ***October 1, 2008,*** and shall submit ~~[a revision to the agreement no later than January 1, 1999. Any subsequent proposed]~~ ***any subsequent*** amendments or revisions to the agreement ~~[shall be submitted]~~ to the appropriate standing committees of the house and senate, ***no later than 60 days after adoption of the amendments or revisions. Prior to adopting any revisions or amendments to the agreement, the commissioners shall jointly solicit input from relevant advisory committees and the public.***

Amend RSA 186-C:25, III(d) as inserted by section 26 of the bill by replacing it with the following:

(d) Be provided only after obtaining parental consent each time the services are billed.

Amend the bill by replacing section 35 with the following:

35 Effective Date. This act shall take effect January 1, 2009.

Amendment adopted.

Senator Foster, Rule 42 on HB 766-FN.

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

Adopted.

Senator Foster, Rule 42 on HB 766-FN.

Referred to the Finance Committee (Rule 26).

HB 1171, establishing a commission to study air quality issues in public school buildings. Education Committee. Ought to Pass with Amendment, Vote 2-1. Senator Estabrook for the committee.

**Senate Education
April 29, 2008**

**2008-1596s
04/05**

Amendment to HB 1171

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

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

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The commission shall study air quality issues in public school buildings, and the feasibility of implementing air quality standards and performing regular air quality inspections in public school buildings.

II. The commission shall investigate and make recommendations regarding successful, cost-effective, alternative initiatives developed to address air quality issues in public school buildings elsewhere in New Hampshire and in other states.

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

Amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, 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.

Senator Gatsas is in favor of HB 1171.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs. Education Committee. Inexpedient to Legislate, Vote 2-2. Senator Kelly for the committee.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A division vote was requested.

Yeas: 8 - Nays: 14

Motion failed.

Senator Foster, Rule 42 on HB 1563-FN.

Senator Letourneau moved Ought to Pass.

Adopted.

Senator Foster, Rule 42 on HB 1563-FN.

Referred to the Finance Committee (Rule 26).

HB 1551-FN, relative to fees for special number plates for veterans. Election Law and Internal Affairs Committee. Ought to Pass with Amendment, Vote 4-1. Senator Burling for the committee.

Sen. Burling, Dist. 5

April 25, 2008

2008-1526s

03/10

Amendment to HB 1551-FN

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

AN ACT relative to lobbyist registration fees.

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

1 Reference Added. Amend RSA 6:12, I(b)(41) to read as follows:

(41) The fees collected by the secretary of state under RSA 660:1 **and RSA 15:4** and the designated portion of fees collected under RSA 5:10 which shall be credited to the recount administrative and fee account established under RSA 660:31.

2 Lobbyists; Registration Fee. Amend RSA 15:4 to read as follows:

15:4 Registration Fee.

I. The fee for registration as a lobbyist under RSA 15:1 for any one year shall be ~~[\$50 for each person lobbying]~~ **\$100** for each reported client or employer, **except that a lobbyist registering solely as a lobbyist for nonprofit entities qualified for exemption from federal taxation under section 501(c)(3) of the Internal Revenue Code shall pay a \$50 fee for each such entity.** A fee shall be paid for each individual who acts as a lobbyist for each client or employer regardless of his or her affiliation with any other registered lobbyist.

II. Fees collected under this section shall be deposited into the fund established by RSA 660:31 for the use of the secretary of state and the attorney general as provided by RSA 455:17.

3 Reference Added. Amend the section heading of RSA 455:17 to read as follows:

455:17 Notary Public, Justice of the Peace Manual, Education, **Lobbyist Registration**, Enforcement.

4 New Paragraph; Lobbyist Registration. Amend RSA 455:17 by inserting after paragraph II the following new paragraph:

III. The secretary of state may use the funds from the fees paid by applicants for lobbyist registrations deposited into the fund established in RSA 660:31 for the general administration of RSA 15, education initiatives related to the lobbyist statutes, and the acquisition, development, and maintenance of electronic records systems that will enhance the efficiency of the management of lobbyist records maintained by his or her office and to enhance the ease of submitting applications and renewals. The secretary of state shall enter into an agreement with the attorney general to provide funds from the fund established in RSA 660:31 for the use of the attorney general for legal services related to the enforcement of laws relating to lobbyist registrations.

5 Depositing Fees and Assessments; Lobbyist Registration Fees. Amend RSA 660:13 to read as follows:

660:31 Depositing Fees and Assessments. There is established in the state treasury a separate nonlapsing account to be known as the recount administrative and fee account. The account shall be used by the secretary of state for the administration of recounts under RSA 660 and to fulfill the duties established by RSA 455:17. Notwithstanding any other provision of law, all fees which are paid to the secretary of state under RSA 660:1 **and RSA 15:4** and the portion of application fees for commissions as a notary public or justice of the peace under RSA 5:10 shall be credited to this account. All fees which are credited to this account shall be continually appropriated to the secretary of state.

6 Effective Date. This act shall take effect January 1, 2009.
2008-1526s

AMENDED ANALYSIS

This bill modifies fees for lobbyist registration. This bill also requires that lobbyist registration fees be deposited in the recount administrative and fee account, and authorizes funds in the account to be used for administration of the lobbyist laws.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1554-FN, relative to challenges of voters. Election Law and Internal Affairs Committee. Interim Study, Vote 5-0. Senator DeVries for the committee.

Committee report of Interim Study is adopted.

HB 1405-FN, regulating outdoor wood-fired hydronic heaters. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 4-2. Senator Hassan for the committee.

Sen. Hassan, Dist. 23
April 29, 2008
2008-1567s
08/05

Amendment to HB 1405-FN

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

1 Purpose and Findings.

I. Due to many factors, outdoor wood-fired hydronic heaters (OWHH) are increasingly becoming a primary method of heating homes and other buildings in the winter and providing hot water year round. The basic design of many OWHHs on the market today causes the fuel to burn incompletely, resulting in thick smoke and high particulate emissions. The problem is exacerbated when other materials such as wet wood and trash are burned. Further, the short stack heights of OWHHs and reduced draft often fail to disperse the smoke adequately, resulting in concentrated pollution at lower heights, impacting residents and neighbors.

II. Smoke from OWHHs results in emissions of fine particulates, carbon monoxide, and other organic products formed from incomplete combustion, such as formaldehyde, benzene, and aromatic hydrocarbons. When inhaled, fine particles from smoke emissions are carried deep into the lungs and can aggravate existing conditions such as asthma or lung and heart disease, as well as impair lung function. Exposure to other pollutants in smoke, such as benzene or polycyclic aromatic hydrocarbons, can cause a diverse range of harmful health effects, including asthmatic sensitivity, lung illness, and cancer.

III. State and local officials have received a growing number of complaints from neighbors that OWHHs produce thick, acrid, foul smoke that has permeated buildings and homes, causing environmental degradation and potential health problems.

2 New Chapter; Outdoor Wood-Fired Hydronic Heaters. Amend RSA by inserting after chapter 125-Q the following new chapter:

CHAPTER 125-R

OUTDOOR WOOD-FIRED HYDRONIC HEATERS

125-R:1 Definitions.

I. "Clean wood" means wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris as defined in RSA 149-M:4, IV-a.

II. "Commissioner" means the commissioner of the department of environmental services.

III. "EPA" means United States Environmental Protection Agency.

IV. "Municipality" means cities, towns, and counties in which there are located unincorporated towns or organized places. Municipality shall not mean village districts.

V. "Outdoor wood-fired hydronic heater" (OWHH) or "outdoor wood boiler" means a fuel burning device:

(a) Designed to burn wood or other solid fuels;

(b) That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and

(c) Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

VI. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

VII. "Phase I OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million British Thermal Units input and is labeled accordingly.

VIII. "Phase II OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.

125-R:2 Unit Requirements.

I. Upon the effective date of this section, no person shall sell or distribute for sale an OWHH that is not a Phase I or Phase II OWHH.

II. Beginning one year from the effective date of this section, no person shall sell or distribute for sale an OWHH that is not a Phase II OWHH.

III. No person shall operate an OWHH:

(a) In such a manner as to cause injury or potential damage to human health or the environment or to interfere with another person's use of and/or enjoyment of property, including but not limited to:

(1) Activating smoke detectors in neighboring structures;

(2) Impairing visibility on a public road; or

(3) Causing a condition which the commissioner determines, pursuant to written findings, to have actual or potential adverse health impacts.

(b) In such a manner as to create a smoke plume with an opacity of 20 percent or greater on a 6 minute average basis except for one 6 minute period per hour of not more than 27 percent opacity as determined via EPA Reference Method 9.

(c) Unless it is 100 feet or more from the nearest property line; provided further that, an OWHH shall be located 1000 feet or more from a property line of a school, hospital, a medical facility, childcare operation, elderly housing, or senior center.

(d) Unless it has a permanent attached stack that is at least 18 feet above ground level.

125-R:3 Permitted Fuels. Any person that owns or operates an OWHH shall not use a fuel other than the following:

I. Clean wood;

II. Wood pellets made from clean wood;

III. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired OWHHs; or

IV. Other fuels as approved by the commissioner through rules adopted pursuant to RSA 541-A.

125-R:4 Exemption. An OWHH that is specifically designed to burn wood pellet fuel with metered fuel and air feed and controlled combustion engineering, is operated according to manufacturers' specifications and burns only wood pellet fuel shall be exempt from this chapter.

125-R:5 Enforcement.

I. The commissioner shall enforce the provisions of this chapter. Any person who violates any provision of this chapter or any rule adopted under this chapter shall be guilty of a violation and may be assessed by the commissioner, after notice and hearing, an administrative fine for the first offense not to exceed \$250 and for each subsequent offense not to exceed \$500. All fine proceeds shall be deposited in the general fund.

II. Whenever the commissioner finds a person has violated any of the provisions of this chapter or rule established under this chapter, the commissioner may issue an order of abatement establishing a compliance schedule with which the person shall comply. Any order of abatement shall become final and enforceable by the commissioner within 30 days of its issuance unless an appeal is filed with the air resources council before the expiration of said 30-day period. The council shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying, or abrogating the commissioner's order of abatement or any part thereof. The council's decision shall become final 10 days after it is issued.

125-R:6 Municipal Authority. Nothing in this chapter shall be construed to limit the authority of a municipality to prevent and remove nuisances and protect public health in

accordance with RSA 147, or to adopt and enforce land use ordinances and regulations pursuant to RSA 674 and 675 relative to OWHHs, that meet or exceed state requirements, including but not limited to provisions relative to setbacks and stack heights, prohibiting the installation of OWHHs in one or more zoning districts, or requiring in one or more zoning districts the installation and operation of lower emission of versions of OWHHs that have been certified or qualified under this chapter.

125-R:7 Notice to Buyers.

I. Prior to the execution of a sales for a new or used OWHH, the distributor/seller shall provide the prospective buyer with a copy of this chapter and a written notice which includes:

- (a) An acknowledgement that the buyer was provided with a copy of this chapter;
- (b) A list of approved fuels; and
- (c) A statement that even if the requirements set forth in this chapter are met

there may be ordinances imposed by the buyer's municipality or findings of adverse effects by the commissioner that will limit or prohibit the use of the purchased OWHH.

II. The notice shall be signed and dated by the buyer and the distributor/seller when the sale of the OWHH is completed. The name and address of the owner, name of the manufacturer, model and date of manufacture of the OWHH, height of the permanent stack and distance to the nearest property line shall be included in the completed notice.

III. The distributor/seller shall submit the original signed copy of the notice to the commissioner within 7 days of making the delivery of the OWHH to the buyer.

3 Report to Air Pollution Advisory Committee. The department shall investigate and resolve all public complaints filed by residents to the department and shall review OWHH technology, including the achievable emission limits, improvements in OWHH's efficiency and improvements in emission rates of OWHH. The department shall report its findings and recommendations, including how complaints were resolved and any recommendations for additional legislation, by November 1 of each year until 2012, to the air pollution advisory committee established pursuant to RSA 125-J:11.

4 Effective Date. This act shall take effect 30 days after its passage.

Amendment failed.

Senator Foster, Rule 42 on HB 1405-FN.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 8, 2008

2008-1768s

01/09

Floor Amendment to HB 1405-FN

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

1 Purpose and Findings.

I. Due to many factors, outdoor wood-fired hydronic heaters (OWHH) are increasingly becoming a primary method of heating homes and other buildings in the winter and providing hot water year round. The basic design of some OWHHs on the market today causes the fuel to burn incompletely, resulting in thick smoke and high particulate

emissions. The problem is exacerbated when other materials such as wet wood and trash are burned. Further, the short stack heights of OWHHs and reduced draft often fail to disperse the smoke adequately, resulting in concentrated pollution at lower heights, impacting residents and neighbors. As is true for many similar emissions, smoke from OWHHs can cause a range of harmful health effects.

II. The general court finds that technologies are emerging that will result in cleaner burning and more efficient outdoor wood boilers. Requiring new boilers to incorporate these technologies will enhance the desirability of their use. This is consistent with a sound energy policy that promotes indigenous, renewable energy sources and an increase in the diversity of the state's fuel supply.

2 New Chapter; Outdoor Wood-Fired Hydronic Heaters. Amend RSA by inserting after chapter 125-Q the following new chapter:

CHAPTER 125-R

OUTDOOR WOOD-FIRED HYDRONIC HEATERS

125-R:1 Definitions.

I. "Clean wood" means wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris as defined in RSA 149-M:4, IV-a.

II. "Commissioner" means the commissioner of the department of environmental services.

III. "EPA" means the United States Environmental Protection Agency.

IV. "Municipality" means cities, towns, and counties in which there are located unincorporated towns or organized places. Municipality shall not mean village districts.

V. "Outdoor wood-fired hydronic heater" (OWHH) or "outdoor wood boiler" means a fuel burning device:

(a) Designed to burn wood or other solid fuels;

(b) That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and

(c) Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

VI. "Person" means any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

VII. "Phase I OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million British Thermal Units input and is labeled accordingly.

VIII. "Phase II OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.

125-R:2 Unit Requirements.

I. Effective January 1, 2009, no person shall sell or distribute for sale an OWHH that is not a Phase I or Phase II OWHH.

II. Effective April 1, 2010, no person shall sell or distribute for sale an OWHH that is not a Phase II OWHH. The commissioner shall delay or indefinitely postpone the effective date of this paragraph through rule adoption under RSA 541-A if the EPA does not establish or is delayed later than April 1, 2009 in establishing a certification or qualification process for Phase II OWHHs as determined by the commissioner.

125-R:3 Setback and Stack Height Requirements.

I. No person shall install a Phase I OWHH unless it is installed at least 100 feet from the nearest property line and has a permanent attached stack that is at least 2 feet higher than the peak of the roof of a residence or place of business not served by the OWHH if that residence or place of business is located within 300 feet of the OWHH.

II. No person shall install a Phase II OWHH unless it is at least 50 feet from the nearest property line.

III. Prior to January 1, 2009, no person shall install an OWHH that is not a Phase I or Phase II OWHH unless it is located at least 200 feet from the nearest property line and has a permanent attached stack that is at least 2 feet higher than the peak of the roof of a residence or place of business not served by the OWHH if that residence or place of business is located within 300 feet of the OWHH.

125-R:4 Permitted Fuels. Any person that owns or operates an OWHH shall not use a fuel other than the following:

- I. Clean wood;
- II. Wood pellets made from clean wood;
- III. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired OWHHs; or
- IV. Other fuels as approved by the commissioner through rules adopted pursuant to RSA 541-A.

125-R:5 Exemption. An OWHH that is specifically designed to burn wood pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated

according to manufacturers' specifications and burns only wood pellet fuel shall be exempt from this chapter.

125-R:6 Enforcement.

I. The commissioner shall enforce the provisions of this chapter. Any person who violates any provision of this chapter or any rule adopted under this chapter shall be guilty of a violation and may be assessed by the commissioner, after notice and hearing, an administrative fine for the first offense not to exceed \$250 and for each subsequent offense not to exceed \$500. All fine proceeds shall be deposited in the general fund.

II. Whenever the commissioner finds a person has violated any of the provisions of this chapter or rule established under this chapter, the commissioner may issue an order of abatement establishing a compliance schedule with which the person shall comply. Any order of abatement shall become final and enforceable by the commissioner within 30 days of its issuance unless an appeal is filed with the air resources council before the expiration of said 30-day period. The council shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying, or abrogating the commissioner's order of abatement or any part thereof. The council's decision shall become final 10 days after it is issued.

125-R:7 Municipal Authority. Nothing in this chapter shall be construed to limit the authority of a municipality or the department of health and human services to prevent and remove nuisances and protect public health in accordance with RSA 147, or of a municipality to adopt and enforce land use ordinances and regulations pursuant to RSA 674 and 675 relative to OWHHs, including but not limited to provisions relative to setbacks and stack heights, prohibiting the installation of OWHHs in one or more zoning districts, or requiring in one or more zoning districts the installation of lower emitting versions of OWHHs that have been certified or qualified under this chapter. A municipality shall not establish quantifiable emission limits, require testing, monitoring, or certification, or specify the types of fuels used. In exercising its authority under this section, a municipality shall not unreasonably limit the installation of or hinder the operation of OWHHs.

125-R:8 Notice to Buyers.

I. Prior to the execution of a sale for a new or used OWHH, the distributor/seller shall provide the prospective buyer with a copy of this chapter and a written notice which includes:

- (a) An acknowledgement that the buyer was provided with a copy of this chapter;
- (b) A list of approved fuel; and
- (c) A statement that even if the requirements set forth in this chapter are met there may be ordinances imposed by the buyer's municipality or findings of adverse effects by

the commissioner that will limit or prohibit the use of the purchased OWHH.

II. The notice shall be signed and dated by the buyer and the distributor/seller when the sale of the OWHH is completed. The name and address of the owner, name of the manufacturer, model and date of manufacture of the OWHH shall be included in the completed notice.

III. A copy of the signed written notice required pursuant to paragraph I shall be kept on file by the seller for a period not less than 3 years from the date of sale and shall be made available upon request for copying and/or inspection to the commissioner, the municipal health officer in the municipality in which the purchased OWHH is installed, and the commissioner of the department of health or human services.

3 New Section; Outdoor Wood-Fired Hydronic Heaters. Amend RSA 147 by inserting after section 16-a the following new section:

147:16-b Outdoor Wood-Fired Hydronic Heaters. If the owner or operator of an outdoor wood-fired hydronic heater (OWHH), as defined under RSA 125-R, operates the OWHH in a manner which causes a nuisance or is injurious to the public health, the health officers may, in writing, order that use of the OWHH be discontinued. The department of environmental services shall provide technical assistance to the department of health and human services for the purposes of enforcement of the nuisance provisions under this section.

4 Report to Air Pollution Advisory Committee. The department of environmental services shall, in conjunction with the department of health and human services, review complaints filed or reported to either the department or the department of health and human services, by residents or by municipal health officers and shall review OWHH technology, including the achievable emission limits, improvements in OWHH's efficiency and improvements in emission rates of OWHHs. The department of environmental services shall report its findings and recommendations, including any recommendations for legislation, by November 1 of each year until 2012, to the air pollution advisory committee established pursuant to RSA 125-J:11.

5 Effective Date. This act shall take effect 30 days after its passage.

Floor amendment adopted.

Senator Foster, Rule 42 on HB 1405-FN.

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

Adopted.

Senator Foster, Rule 42 on HB 1405-FN.

Ordered to Third Reading.

MOTION OF RECONSIDERATION

Senator D'Allesandro, having voted with the prevailing side, moved reconsideration of **HB 432-FN** whereby it was ordered to Third Reading.

Adopted.

HB 432-FN, relative to certain on-premises beverage and liquor licenses.

Senator DeVries offered a floor amendment.

Sen. DeVries, Dist. 18
May 7, 2008
2008-1756s
03/09

Floor Amendment to HB 432-FN

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

AN ACT relative to certain on-premises beverage and liquor licenses.

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

1 On-Premises Beverage and Liquor Licenses; Full Service Restaurants. Amend RSA 178:21, II(a)(1) to read as follows:

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed with the license application, covering the 12 most recent calendar months prior to filing, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with *seating for 50 and under with* annual food sales of at least ~~[\$75,000]~~ **\$50,000, seating for 75 and under with annual food sales of at least \$75,000, seating for 100 and under with annual food sales of at least \$100,000, and seating for 100 or more with annual food sales of at least \$150,000, or at least \$75,000 if a restaurant is open less than 6 months per year**, shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

2 On-Premises Cocktail Lounge Licenses; Full Service Restaurants; Area. Amend RSA 178:22, V(q) to read as follows:

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve liquor and beverages in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor and beverages served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, ***that the seating capacity of the cocktail lounge is no greater than 3 times the seating capacity of the dining room and*** that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with ***seating for 50 and under with annual food sales of at least \$50,000, seating for 75 and under with annual food sales of at least \$75,000, seating for 100 and under with annual food sales of at least \$100,000, and seating for 100 or more with annual food sales of at least \$150,000, or at least \$75,000 if a restaurant is open less than 6 months per year,*** shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

3 New Paragraph; On-Premises Cocktail Lounge Licenses; Seating and Entertainment. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:

VI. The commission, at its discretion, shall approve standing and seating capacity for cocktail lounge licenses. Cocktail lounge licensees may only provide live entertainment if permitted by the commission. The commission may grant, modify, suspend, or revoke an entertainment permit without affecting any other license granted by the commission.

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

2008-1756s

AMENDED ANALYSIS

This bill establishes a minimum seating ratio for restaurants operating cocktail lounges and modifies the food sales required for the exemption from the 50 percent food sales requirement. This bill also requires liquor commission approval for live entertainment and standing and seating capacity in cocktail lounges.

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 Gottesman moved to have HB 1286 removed from the table.

Adopted.

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

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

Adopted.

Ordered to Third Reading.

HB 1434, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

Energy, Environment, and Economic Development

April 30, 2008

2008-1629s

08/04

Amendment to HB 1434

Amend RSA 125-O:20, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. "International trading programs" means international programs approved by the department such as the European Emission Trading Scheme (ETS) and offset credits established under the Clean Development Mechanism (CDM) to be used to obtain equivalent RGGI offset allowances pursuant to RSA 125-O:22, II(b).

Amend RSA 125-O:22, I as inserted by section 2 of the bill by replacing it with the following:

I. Each affected CO₂ source shall obtain and retire a quantity of RGGI allowances equivalent to its CO₂ emissions from fossil-fuel fired generation for each compliance period.

Amend RSA 125-O:22, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Budget allowances shall be provided to affected CO₂ sources as needed and upon request for CO₂ emissions in periods of operation during which an Operating Procedure 4 capacity deficiency alert is in force as established by the ISO New England Inc. The department shall reserve from auction for such emergency conditions a quantity of allowances equal to one percent of the annual budget allowances which shall be the maximum made available in a given year under this paragraph. The department shall directly sell these allowances to the affected CO₂ sources at the last regional auction clearing price. Those allowances reserved but not sold in a given year as provided in this paragraph shall be auctioned the following calendar year.

Amend RSA 125-O:23 as inserted by section 2 of the bill by replacing it with the following:

125-O:23 Greenhouse Gas Emissions Reduction Fund.

I. There is hereby established a greenhouse gas emissions reduction fund. This nonlapsing, special fund shall be continually appropriated to the public utilities commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the public utilities commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. Any new employee positions to be paid for using fund moneys shall be approved by the fiscal committee of the general court pursuant to RSA 124:15. The public utilities commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee and the governor and council, for the department's cost of administering this subdivision.

II. Fund moneys shall be used to support energy efficiency, conservation, and demand response programs to reduce greenhouse gas emissions generated within the state, which may include programs proposed and administered by private entities, as well as by the department, the commission, and other state and local governmental agencies. Such programs may include, but not be limited to, improving the electrical and thermal energy efficiency of New Hampshire's residential housing and commercial building stock via weatherization, energy auditing, energy efficiency related work force training and development, revolving loan funds for efficiency related investment, related industrial process and control systems, integration of passive solar heating and ventilation systems, efforts to increase adherence to energy related building and electrical codes. These funds shall not be transferred or used for any other purpose.

III. At least 10 percent of the moneys shall be used to assist low-income residential customers, as defined by the commission and in a manner compatible with other low-income programs administered by the commission, to reduce total energy use including heating fuels and to foster the development and retrofitting of highly efficient and affordable housing.

IV. Notwithstanding paragraphs I, II, and III, all amounts in excess of the threshold prices listed below for any allowance sale made prior to January 1, 2016 that is deposited in the fund shall be rebated to all electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner, to be determined by the commission. For the following years listed, the threshold price shall be:

- (a) 2009 and 2010, \$6/ton.

- (b) 2011 and 2012, \$9/ton.
- (c) 2013 and 2014, \$12/ton.
- (d) 2015, \$15/ton.
- (e) After 2015, no threshold price.

V. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in the greenhouse gas emissions reduction fund, and are not needed for program purposes, the commission shall refund such unencumbered dollars to rate payers in a timely manner.

VI. All penalties collected pursuant to this subdivision shall be deposited in the greenhouse gas emissions reduction fund.

VII. In selecting programs to be funded under this section the commission shall consider, at a minimum, the extent to which the proposed program can be expected to:

- (a) Reduce greenhouse gas emissions from all fuels used to provide electricity, heating, and cooling in New Hampshire;
- (b) Be cost-effective;
- (c) Reduce New Hampshire's peak electric load;
- (d) Promote market transformation, innovative technology and economic development, and energy cost savings; and
- (e) Otherwise be consistent with the public interest and the purposes of this subdivision.

Amend RSA 125-O:24, V and VI as inserted by section 2 of the bill by replacing them with the following:

V. At the distribution rate specified in paragraph VI, the department shall grant to PSNH budget allowances, at no cost, equivalent to the total of the banked allowances pursuant to paragraph IV minus the early reduction allowances granted to PSNH under RSA 125-O:21, IV. PSNH shall be obligated to apply for early reduction allowances for any eligible projects it has undertaken.

VI. The department shall grant budget allowances pursuant to this section as expeditiously as possible, but in no event shall the amount of budget allowances granted pursuant to this section total more than 2.5 million allowances per year in years 2009, 2010, and 2011, and 1.5 million allowances in each year thereafter. For each budget allowance granted, one banked allowance shall be retired.

Amend RSA 125-O:24, IX as inserted by section 2 of the bill by replacing it with the following:

IX. No remaining banked allowances held by the department originating from the calculation performed under paragraph IV, shall be used for RGGI compliance purposes after the department ceases to grant budget allowance in accordance with paragraph VII or VIII. These remaining banked allowances shall not be used for compliance or exchanged for value in any existing or future federal program. When developing future state programs, the legislature may recognize the existence of these remaining banked allowances when determining the future compliance obligations of PSNH.

Amend RSA 125-O:27 as inserted by section 2 of the bill by replacing it with the following:

125-O:27 Review of the New Hampshire RGGI Program. At the time of the 2012 comprehensive review by the signatory states as required in the MOU, the commission and the department shall concurrently review New Hampshire specific elements of the RGGI program, in particular 125-O:23, IV and 125-O:25 and include the results of such review in the agencies' annual report under RSA 125-O:21, VI.

Amend RSA 125-O:10 as inserted by section 7 of the bill by replacing it with the following:

125-O:10 Non-Severability. No provision of ***RSA 125-O:1 through RSA 125-O:18*** of this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy or ***RSA 125-O:1 through RSA 125-O:18*** of this chapter ~~[in its entirety]~~, and to this end, the provisions of ***RSA 125-O:1 through RSA 125-O:18*** of this chapter are not severable.

Amend paragraph II of section 9 of the bill by inserting after subparagraph (o) the following new paragraphs:

- (p) The executive director of the New Hampshire Housing Finance Authority, or designee.
- (q) The state fire marshal, or designee.

Amendment adopted.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Bragdon.

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

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

Yeas: 16 - Nays: 8

Adopted.

Referred to the Finance Committee (Rule 26).

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 539-FN-L, relative to the cost of an adequate education and provision of fiscal capacity disparity aid.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 539-FN-L, relative to the cost of an adequate education and provision of fiscal capacity disparity aid.

Senator Estabrook moved to concur.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the motion to concur.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 18 - Nays: 6

Adopted.

Senator Larsen moved that, without objection, HB 1645-FN-L be taken out of order.

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 6-0. Senator Downing for the committee.

Senate Executive Departments and Administration

April 30, 2008

2008-1626s

10/04

Amendment to HB 1645-FN-LOCAL

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

1 Definition of Earnable Compensation; Other Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation ***earned by the member and*** paid to the member by the employer ***which would be includable as earned income for federal tax purposes***, plus the fair market value of non-cash compensation ***paid to, or on behalf of, the member*** such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation,

but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

2 Membership. Amend RSA 100-A:3, V to read as follows:

V. A member shall cease to be a member if (a) ~~he or she is absent from service for more than 2 years; (b)~~ he or she withdraws his or her accumulated contributions; or ~~[(c)] (b)~~ he or she becomes a beneficiary or dies. ~~[Notwithstanding the foregoing,]~~ The board of trustees shall continue the membership of a member while in the armed forces of the United States provided such member does not withdraw his or her accumulated contributions.

3 Return of Member Contributions; Group I. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a ***an active*** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ ***180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.***

4 Return of Member Contributions; Group II. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. If a group II member ceases to be a ***an active*** member because of absence from service for more than ~~[2 years, his or her accumulated contributions shall be paid within 3 months after the board is notified to that effect]~~ ***180 days, without requesting return of the amount of his or her accumulated contributions, the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member's total accumulated contributions shall be paid within 3 months after his or her written request therefor. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.***

5 Medical Benefits; Group II; Payment by Retirement System; 8 Percent Increase Changed. Amend RSA 100-A:52, II to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 ~~[thereafter]~~ ***until and including July 1, 2007***, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases. ***After July 1, 2007 and until and including July 1, 2011, the rate payable under this paragraph shall not be increased. As of July 1, 2012, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 4 percent, compounded on previous increases.***

6 Medical Benefits; Group I Teachers and Political Subdivision Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-a, II to read as follows:

II. ~~[However,]~~ For ~~[the]~~ ***each*** fiscal year beginning ***on or after*** July 1, ~~[2000]~~ ***2007***, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1, 2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

7 Medical Benefits; Group I Employees; Payment by Retirement System; 8 Percent Increase Removed. Amend RSA 100-A:52-b, III to read as follows:

III. ~~[However,]~~ For ~~[the]~~ ***each*** fiscal year beginning ***on or after*** July 1, ~~[2000]~~ ***2007***, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to Medicare benefits, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be the same as the amount provided in RSA 100-A:52, II for group II retirees. ~~[As of July 1,~~

~~2000 and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.]~~

8 New Subparagraph; Method of Financing; Transfer from Special Account. Amend RSA 100-A:16, II by inserting after subparagraph (i) the following new subparagraph:

(j) Notwithstanding RSA 100-A:16, II(h)(5) and (7), there shall be a one-time transfer of \$250,000,000 not later than June 30, 2008 from the special account to the state annuity accumulation fund, provided however that if the employers' obligation to fund the 401(h) subtrust under RSA 100-A:53, RSA 100-A:53-b, RSA 100-A:53-c, and RSA 100-A:53-d ceases as a result of a final court order, the transfer of \$250,000,000 plus any interest accrued shall be returned to the special account. The sum transferred shall be credited proportionally to each member subgroup based on the proportion of the funds transferred into each special account subgroup from the special medical account, as identified by the retirement system, on June 30, 2007.

9 Medical Benefits; Method of Financing; Group II. Amend RSA 100-A:53, I to read as follows:

I. The benefits provided under RSA 100-A:52 shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group II employer contributions made for group II ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group II employer contributions made for group II determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52.***

10 Medical Benefits; Method of Financing; Group I Teachers. Amend RSA 100-A:53-b, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group I teacher employer contributions made for group I teachers ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I teachers determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.***

11 Medical Benefits; Method of Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, I to read as follows:

I. The benefits provided under RSA 100-A:52-a shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group I employer contributions made for group I political subdivision employees ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I political subdivision employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-a.***

12 Medical Benefits; Method of Financing; Group I State Employees. Amend RSA 100-A:53-d, I to read as follows:

I. The benefits provided under RSA 100-A:52-b shall be provided by a 401(h) subtrust of the New Hampshire retirement system. ***Beginning July 1, 2009***, the 401(h) subtrust shall be funded by allocating ***to the subtrust the lesser of:***

(a) 25 percent of [future] group I employer contributions made for group I state employees ~~[in accordance with RSA 100-A:16 to the subtrust until such time as the benefits are fully funded. Thereafter the subtrust shall receive only that portion of each year's contribution as is necessary to keep the benefits fully funded.]; or~~

(b) ***The percentage of group I employer contributions made for group I state employees determined by the actuary to be the minimum rate necessary to maintain the benefits provided under RSA 100-A:52-b.***

13 Commission on Retiree Health Care Benefits Funding Model. There is established a commission to propose a retiree health care benefits funding model.

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

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

(b) Two members of the senate, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the president of the senate.

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

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

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

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

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

(h) One retired member of the retirement system currently receiving benefits, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

III. The commission shall study and recommend to the general court by December 1, 2008, the detailed design for a preferential tax vehicle for employees who do and do not qualify for the existing medical subsidy, to make contributions that would provide funds for post-employment medical expenses. Among the duties, the commission shall:

(a) Analyze the models in use by other states.

(b) Collect information from experts in the field.

(c) Consider different vehicles for such a plan including governmental trusts, Voluntary Employee Benefit Associations (VEBAs), 401(h), trusts, and Health Savings Accounts.

(d) Consider and analyze the appropriate and effective use of bonding by the state in order to provide an affordable medical subsidy.

(e) Consider the following principles, in designing a recommended plan that:

(1) Allows for member and employer contributions.

(2) Utilizes tax advantaged contributions, earnings, and benefit distributions.

(3) Includes pre-funding for cost-effectiveness, security, and to satisfy the Governmental Accounting Standards Board and the Internal Revenue Service.

(4) Permits employer contributions through negotiated matches for currently active members.

(5) Permits additional voluntary member contributions.

(6) Is administratively efficient.

(7) Is available and integrated with other benefits.

(8) Allows unused sick and vacation leave to be contributed toward the medical subsidy.

(9) Is viable long term.

(f) Additionally, in designing a recommended plan, consider the following possibilities:

(1) Bonding to assist in the establishment of the trust and/or the transfer of medical subsidy eligible active members and/or retirees to the new health care funding model.

(2) Integrating the new trust with the existing subsidy-eligible state employees and the benefits provided by RSA 21-I:30.

(3) Moving all subsidy-eligible retirees into the new plan, bringing the current 401(h) subtrust funding with them, if permitted.

(4) Analyzing alternative retiree health care insurance programs for political subdivision retirees and Medicare retirees that would reduce the overall costs of medical care.

(g) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

V. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate executive departments and administration and finance committees, the governor, and the state library on or before December 1, 2009.

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

14 Board of Trustees; Voting by Chairman. Amend RSA 100-A:14, IV to read as follows:

IV. Each trustee ***including the chairman*** shall be entitled to one vote in the board of trustees~~[-provided, however, that the chairman shall be non-voting except in the event of a tie vote]~~. Seven trustees shall constitute a quorum for the transaction of any business ***of the board of trustees***. Seven votes shall be necessary for any resolution or action by the board at any meeting.

15 Management of Funds. Amend RSA 100-A:15 to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and ***shall set all policies relative to investment of those funds. The trustees shall appoint and oversee an investment committee that shall*** have full power to invest and reinvest such funds~~[-and]~~ ***in accordance with the policies set by the board. The members of the investment committee shall serve at the pleasure of the board of trustees.*** The board of trustees shall have the powers, privileges, and immunities of a corporation. The members of the board of trustees shall ~~[also have the power]~~ ***authorize***

the investment committee to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22. Said ~~[trustees]~~ ***investment committee*** shall have full power, ***consistent with the policies set by the board***, to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust ~~[solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment, and reinvestment of system assets so held in trust hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund].~~

I-a.(a) A trustee, investment committee member, or other fiduciary shall discharge duties with respect to the retirement system:

- (1) Solely in the interest of the participants and beneficiaries;***
- (2) For the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses of administering the system;***
- (3) With the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;***
- (4) Impartially, taking into account any differing interests of participants and beneficiaries;***
- (5) Incurring only costs that are appropriate and reasonable; and***
- (6) In accordance with a good-faith interpretation of the law governing the retirement system.***

(b) In investing and managing assets of the retirement system pursuant to subparagraph (a), a trustee or investment committee member with authority to invest and manage assets:

- (1) Shall consider among other circumstances:***
 - (A) General economic conditions;***
 - (B) The possible effect of inflation or deflation;***
 - (C) The role that each investment or course of action plays within the overall portfolio of the retirement system;***
 - (D) The expected total return from income and the appreciation of capital;***
 - (E) Needs for liquidity, regularity of income, and preservation or appreciation of capital; and***
 - (F) The adequacy of funding for the system based on reasonable actuarial factors;***
- (2) Shall diversify the investments of the retirement system unless the trustee or investment committee member reasonably determines that, because of special circumstances, it is clearly prudent not to do so;***
- (3) Shall make a reasonable effort to verify facts relevant to the investment and management of assets of a retirement system; and***
- (4) May invest in any kind of property or type of investment consistent with this section.***

(c) The board of trustees shall adopt a statement of investment objectives and policies for the retirement system as provided in subparagraph VII(c).

I-b. Paragraph I-a shall apply to all board members, investment committee members, and other fiduciaries, as well as staff and vendors to the extent they exercise any discretionary authority or discretionary control respecting management of the retirement system or exercise any authority or control respecting management or disposition of its assets, or they render investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the retirement system, or have any authority or responsibility to do so, or they have any discretionary authority or discretionary responsibility in the administration of the retirement system.

I-c. The fiduciary obligations of the members of the board of trustees are paramount to any other interest a trustee may have arising from another role or position that he or she holds, including the position which qualified the person for appointment to the board of trustees.

II. The board of trustees shall:

~~(a) Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.]~~ ***appoint an investment committee to make investments and deposits on behalf of the board. The investment committee shall consist of 5 members, 3 of whom shall be experienced in the field of institutional investment, and 2 of whom shall be members of the board. The investment committee shall:***

~~[(b)]~~ ***(a)*** Have the ~~[further]~~ authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system.

~~[(c)]~~ ***(b)*** Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the board ***and the investment committee***, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

~~[(d)]~~ ***(c)*** Have the full power and authority to delegate to any agent, within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the ***investment committee or the*** board of trustees of the New Hampshire retirement system. The ~~[board of trustees]~~ ***investment committee*** shall have the power to authorize the payment of compensation to an agent or agents for management services.

(d) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the investment committee.

II-a. The board of trustees shall appoint and oversee an audit committee to undertake audit and reporting requirements under paragraph VI of this section. The audit committee shall consist of 5 members, 3 of whom shall be experienced in the field, and 2 of whom shall be members of the board. The members of the audit committee shall serve at the pleasure of the board of trustees.

III. Except as otherwise provided in this section, no trustee, ***no investment committee member, audit committee member***, and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee, ***investment committee member, audit committee member***, or employee of the board, directly or indirectly, for himself ***or herself*** or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee, ***investment committee member, audit committee member***, or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel for ~~[special investment,] federal[;]~~ and tax matters, and to engage outside counsel for other matters. ***All contracts for legal services shall be awarded following a request for proposals (RFP) issued by the board.*** The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines~~[-, and in selecting investment managers, investment products and investment participations]~~. ***The investment policies shall not be subject to rulemaking under RSA 541-A.***

VI.(a) The funds of the New Hampshire retirement system shall be audited annually. ***The audit committee shall hire a qualified auditor who shall conduct the annual audit and report its findings to the board for approval and acceptance. In addition,*** the ~~[board of trustees]~~ ***audit committee*** shall complete, not later than 120 days after the close of the fiscal year~~[-, unless the fiscal committee and the governor and council for good cause shall extend such period]~~, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. ***The fiscal committee and the governor and council for good cause may extend such period.*** Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies.

(b) The audit committee shall cause a performance audit not less frequently than every 3 years.

(c) Copies of all audits and reports shall be forwarded to the governor, the senate president, and the speaker of the house of representatives. The cost of ~~[such audit]~~ ***all audits and reports*** shall be a charge upon the funds of the New Hampshire retirement system.

VII. The board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed. The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor. The report shall include, but shall not be limited to:

(a) A description of the board's philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) ~~[Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.]~~ ***An annual investment policy statement which shall incorporate the following:***

(1) A clear statement of investment objectives including the adoption of a reasonable and sound average annual rate of return the retirement system is attempting to earn. The rate of return utilized for the statement of investment objectives shall be same as the assumed rate of return set by the trustees for the biennial actuarial calculation.

(2) A detailed breakdown of the asset structure most likely to enable the fund to reach its long range objective within appropriate risk parameters. The details should include all relevant subcategories among equities, debt, and alternative investments and identify the appropriate benchmarks for each performance analysis. The policy should establish an acceptable range for each allocation as well as a specific target allocation.

(3) Identification of how outcomes are measured and benchmarks are developed and who is responsible for the various decision levels in the investment process between the board of trustees, the investment committee, the retirement system's staff, investment consultants, and portfolio managers. The policy statement should specify the minimum frequency to review outcomes and responsibilities, in order to determine whether decisions as to asset mix and manager selection added value to the fund. Investment managers should be under constant review by the retirement system.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

IX. All non-trustee members of the audit and investment committees shall be afforded the same liability insurance and indemnification as board members.

X. Not later than January 1, 2010, the board of trustees shall report to the governor, the senate president, and the speaker of the house of representatives on the operation of the audit and investment committees.

16 Supplemental Allowances; Annual COLA; Limit Added. Amend RSA 100-A:41-a to read as follows:

100-A:41-a Supplemental Allowances.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's, on the retired member's latest anniversary date. The amount of such supplemental allowances shall be ~~[limited to from one percent to 5 percent, with increments of no less than 1/2 of one]~~ ***2-1/2 percent of a member's or beneficiary's annual retirement allowance which is \$30,000 or less, or otherwise 2-1/2 percent of the first \$30,000 of a retired member's or beneficiary's allowance.***

II. No later than May 31 of each year, ~~[the fiscal committee of the general court may approve COLAs]~~ for the July 1 thereafter, ~~[upon certification from]~~ the actuary ~~[of]~~ ***shall certify to the board of trustees*** the amount of ~~[the COLA which may be granted to each member classification based on the]~~ funds available ~~[in the special account]~~ for each member classification ~~[the actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index - Urban for the year prior to the year in which the allowance is granted].~~ ***The board of trustees shall pay the supplemental allowances to the extent funds are available in each member classification component of the special account.*** Any such supplemental allowance when granted ~~[by the fiscal committee of the general court]~~ shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, 100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions, or similar provisions of predecessor systems.

III.(a) The ~~[granting]~~ ***payment*** of any such supplemental allowance~~[-, or of any increase in supplemental allowances,]~~ shall be contingent on terminal funding of the total actuarial cost thereof ~~[at the time of granting]~~. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h).

(b) No supplemental allowance shall ~~[be granted or increased if such grant or increase would]~~ reduce the funds in the respective component of the special account to an amount less than zero.

(c) Cost of living adjustments [~~granted by the fiscal committee~~] shall be retroactive to the member's eligibility date pursuant to paragraph I [~~beginning July 1, 1999, and for every year thereafter~~].

17 Additional Temporary Supplemental Allowance. Amend RSA 100-A by inserting after section 41-c the following new section:

100-A:41-d Additional Temporary Supplemental Allowances. The following supplemental allowances shall apply only for fiscal years beginning July 1, 2008 through July 1, 2011:

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, and whose annual retirement allowance is \$20,000 or less, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance shall be \$1,000 paid from the respective component of the special account.

II. The additional supplemental allowance under this section shall be issued as a separate payment to eligible members or their beneficiaries on or after the July 1 of the 4 years of such temporary supplemental allowance. Supplemental allowances under this paragraph shall not become a permanent addition to the base retirement allowance.

III. No supplemental allowance shall be paid if it would reduce the funds in the respective component of the special account to an amount less than zero.

18 Commission Established. There is established a commission to study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account.

19 Membership and Compensation.

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

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

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

(c) The chairperson of the New Hampshire retirement system, or designee.

(d) Five persons with relevant knowledge, one of each representing the interests of teachers, state employees, political subdivision employees, police, and firefighters, appointed by the governor.

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

20 Duties. The commission shall study the feasibility of authorizing, and the depletion schedules for, future COLAs to be issued at different rates to or within each subgroup within the special account. The commission shall consider proposals for defined benefit and defined contribution plans for COLAs. The study shall examine the possibility of issuing COLAs, funded from the special account, with such COLAs becoming permanent additions to the beneficiary's base retirement allowance. The commission may request assistance from the retirement system and the actuary to aid in its study.

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

22 Report. The commission shall report its findings and its initial recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2008. The commission shall issue a final report of its findings and recommendations for additional legislation to the speaker of the house of

representatives, the president of the senate, the house clerk, the senate clerk, the chairpersons of the house and senate finance and executive departments and administration committees, the governor, and the state library on or before December 1, 2009.

23 New Section; Temporary Contribution Amounts and Ratification. Amend RSA 100-A by inserting after section 53-d the following new section:

100-A:53-e Temporary Contribution Amounts and Ratification.

I. Notwithstanding the provisions of RSA 100-A:53, 100-A:53-b, 100-A:53-c, and 100-A:53-d, for the period beginning July 1, 2000, and ending June 30, 2007, 33 1/3 percent of group II employer contributions, group I teacher contributions, group I employer contributions, and group I state employer contributions shall be allocated to the 401(h) subtrust of the New Hampshire retirement system in order to pay for the benefits provided under RSA 100-A:52, 100-A:52-a, and 100-A:52-b, subject to applicable limits under the Internal Revenue Code.

II. At the end of each fiscal year specified in paragraph I, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year.

III. Actions taken by the New Hampshire retirement system in accordance with this section are hereby ratified.

24 Medical Benefits Financing; Group II. Amend RSA 100-A:53, II-IV to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988, by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, **and ending with the fiscal year ending June 30, 2007**, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals the sum of:

(a) The initial special account amount as of June 30, 1988, of \$52,800,000;

(b) The additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f);

(c) The additional special account amount as of June 30, 1993, of \$1,200,000 to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(g); and

(d) Future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.

III. Except as provided in RSA 100-A:54, II, all contributions made to the retirement system to provide medical benefits under RSA 100-A:52 shall be maintained in a separate account, the 401(h) subtrust, and such funds shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, **including the special account established under RSA 100-A:16, II(h)**, may be used or diverted to provide medical benefits under RSA 100-A:52. The funds, if any, accumulated to provide medical benefits under RSA 100-A:52 may be invested pursuant to the provisions of RSA 100-A:15.

~~IV. A separate account shall be established and maintained for each retired member who is a key employee, as defined under section 416(i) of the Internal Revenue Code, at any time during the plan year or any previous plan year during which contributions are made hereunder on behalf of such member for the purposes of RSA 100-A:52.~~

25 Medical Benefits Financing; Group I Teachers. Amend RSA 100-A:53-b, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

26 Medical Benefits Financing; Group I Political Subdivision Employees. Amend RSA 100-A:53-c, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-a shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-a may be invested pursuant to the provisions of RSA 100-A:15.

27 Medical Benefits Financing; Group I State Employees. Amend RSA 100-A:53-d, II to read as follows:

II. All contributions made to the retirement system to provide medical benefits under RSA 100-A:52-b shall be maintained in a separate account, the 401(h) subtrust. All funds and accumulated interest shall not be used for or diverted to any purpose other than to provide said medical benefits. Similarly, none of the funds accumulated to provide the retirement benefits set forth in this chapter, ***including the special account established under RSA 100-A:16, II(h)***, may be used or diverted to provide medical benefits under RSA 100-A:52-a. The funds, if any, providing medical benefits under RSA 100-A:52-b may be invested pursuant to the provisions of RSA 100-A:15.

28 New Paragraph; Application; Transfers. Amend RSA 100-A:55 by inserting after paragraph II the following new paragraph:

III. No transfers shall be made from the special account established under RSA 100-A:16, II(h) to the 401(h) subtrust for the purpose of funding the provisions of RSA 100-A:52-b or for any other purpose.

29 Financing; Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees	5.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final

compensation as provided in RSA 100-A:1, XVIII. ~~[In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made.]~~ The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

30 New Section; Decennial Retirement Commission. Amend RSA 100-A by inserting after section 56 the following new section:

100-A:57 Decennial Retirement Commission.

I. There shall be established decennially on or about July 1, beginning in 2017, a commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system.

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

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

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

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

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

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

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

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

(h) One retired member of the retirement system receiving benefits at the time of appointment, appointed jointly by the speaker of the house of representatives and the president of the senate.

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

IV. The commission shall:

(a) Study the previous decade's history of funding, benefits, and investment results of the New Hampshire retirement system.

(b) Review the structure and governance of the New Hampshire retirement system.

(c) Analyze the financial status of the retirement system, and the challenges facing the system in the upcoming decade.

(d) Assess any changes to general accounting standards and their potential effect on the retirement system.

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

(f) Monitor the sustainability and affordability of cost of living increases for plan participants.

(g) Study other matters deemed necessary by the commission.

(h) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. Subject to available appropriations, the commission may employ support staff for the purposes of its duties.

V. The governor, in consultation with the president of the senate and the speaker of the house of representatives, shall designate a chairperson from among the members. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the designation of the chairperson.

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 the December 1 next following.

31 Effective Date.

I. Sections 9-12 of this act shall take effect July 1, 2009.

II. Section 15 of this act shall take effect 60 days after its passage.

III. Sections 14 of this act shall take effect July 1, 2008.

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

2008-1626s

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for COLAs and temporary supplemental allowances paid from the special account.

II. Suspends the annual increase on the medical subsidy.

III. Makes various other changes to the administration of the retirement system, eligibility and funding of benefits, and investment of retirement system assets.

IV. Implements certain recommendations of the commission to make recommendations to ensure the long-term viability of the New Hampshire retirement system established in 2007, 355 (HB 876-FN-LOCAL).

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

Amendment adopted.

Senator DeVries, Rule 42 on HB 1645-FN-L.

Senator Downing, Rule 42 on HB 1645-FN-L.

Senator Roberge, Rule 42 on HB 1645-FN-L.

Senator Sgambati, Rule 42 on HB 1645-FN-L.

Senator Downing offered a floor amendment.

Sen. Downing, Dist. 22

Sen. DeVries, Dist. 18

Sen. Clegg, Dist. 14
May 8, 2008
2008-1777s
10/09

Floor Amendment to HB 1645-FN-LOCAL

Amend the bill by replacing sections 16 and 17 with the following:

16 Supplemental Allowances; Annual COLA; Limit Added. Amend RSA 100-A:41-a to read as follows:

100-A:41-a Supplemental Allowances.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 12 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's, on the retired member's latest anniversary date. The amount of such supplemental allowances shall be ~~[limited to from one percent to 5 percent, with increments of no less than 1/2 of one]~~ **2-1/2 percent of a member's or beneficiary's annual retirement allowance which is \$40,000 or less, or otherwise 2-1/2 percent of the first \$40,000 of a retired member's or beneficiary's allowance.**

II. No later than May 31 of each year, ~~[the fiscal committee of the general court may approve COLAs]~~ for the July 1 thereafter, ~~[upon certification from]~~ the actuary ~~[of]~~ **shall certify to the board of trustees** the amount of ~~[the COLA which may be granted to each member classification based on the]~~ funds available ~~[in the special account]~~ for each member classification ~~[the actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted]~~. **The board of trustees shall pay the supplemental allowances to the extent funds are available in each member classification component of the special account.** Any such supplemental allowance when granted ~~[by the fiscal committee of the general court]~~ shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, 100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions, or similar provisions of predecessor systems.

III.(a) The ~~[granting]~~ **payment** of any such supplemental allowance ~~[, or of any increase in supplemental allowances,]~~ shall be contingent on terminal funding of the total

actuarial cost thereof ~~[at the time of granting]~~. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h).

(b) No supplemental allowance shall ~~[be granted or increased if such grant or increase would]~~ reduce the funds in the respective component of the special account to an amount less than zero.

(c) Cost of living adjustments ~~[granted by the fiscal committee]~~ shall be retroactive to the member's eligibility date pursuant to paragraph I~~[- beginning July 1, 1999, and for every year thereafter]~~.

17 New Section; Additional Temporary Supplemental Allowances. Amend RSA 100-A by inserting after section 41-c the following new section:

100-A:41-d Additional Temporary Supplemental Allowances. The following provisions for supplemental allowances shall apply only for fiscal years beginning July 1, 2008 through July 1, 2011:

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems (a) who has either at least 15 years of service or who retired pursuant to RSA 100-A:6, and (b) who has been retired for at least 12 months, and (c) whose annual retirement allowance is \$20,000 or less, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$1,000, paid from the respective component of the special account.

II. In addition to paragraph I, any retired member of the New Hampshire retirement system or any of its predecessor systems or any beneficiary of such retired member who is receiving an allowance, except for a retired state employee, or his or her beneficiary, whose medical benefits are paid by the state pursuant to RSA 21-I, who is receiving a medical benefit subsidy payment under RSA 100-A:52 or RSA 100-A:52-a, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500 for retirees taking a one-person medical benefit and \$1,000 for retirees taking a two-person medical benefit, paid from the respective component of the special account.

III. The additional supplemental allowances under this section shall be issued as separate payment to eligible members or their beneficiaries on or after the July 1 of the 4 years of such temporary supplemental allowances. Supplemental allowances under this paragraph shall not become a permanent addition to the base retirement allowance.

IV. No supplemental allowance shall be paid if it would reduce the funds in the

respective component of the special account to an amount less than zero.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Floor amendment adopted.

Senator DeVries, Rule 42 on HB 1645-FN-L.

Senator Downing, Rule 42 on HB 1645-FN-L.

Senator Roberge, Rule 42 on HB 1645-FN-L.

Senator Sgambati, Rule 42 on HB 1645-FN-L.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

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

A roll call was requested by Senator Kenney.

Seconded by Senator Gottesman.

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

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Senator DeVries, Rule 42 on HB 1645-FN-L.

Senator Downing, Rule 42 on HB 1645-FN-L.

Senator Roberge, Rule 42 on HB 1645-FN-L.

Senator Sgambati, Rule 42 on HB 1645-FN-L.

Ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 540-FN, relative to New Hampshire HealthFirst, an affordable, wellness-based health insurance plan for small employers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 540-FN, relative to New Hampshire HealthFirst, an affordable, wellness-based health insurance plan for small employers.

Senator Gottesman moved to concur.

Adopted.

Senator Gatsas is in opposition to SB 540-FN.

HB 1561, establishing an energy conservation and efficiency board. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Cilley for the committee.

Energy, Environment, and Economic Development

April 29, 2008

2008-1571s

08/05

Amendment to HB 1561

Amend RSA 125-O:5-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Provide recommendations at least annually to the public utilities commission on the administration and allocation of energy efficiency funds under the commission's jurisdiction.

Amend RSA 125-O:5-a, II(m) as inserted by section 1 of the bill by replacing it with the following:

(m) Three representatives from groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs, appointed by the chairman of the public utilities commission.

Amend RSA 125-O:5-a, II(o) as inserted by section 1 of the bill by replacing it with the following:

(o) One representative from utility-administered electric energy efficiency programs, appointed by the chairman of the public utilities commission.

(p) One representative from utility-administered natural gas energy efficiency programs, appointed by the chairman of the public utilities commission.

Amend RSA 125-O:5-a, III-IV as inserted by section 1 of the bill by replacing it with the following:

III. The chairman of the public utilities commission shall call the first meeting of the board. The board shall elect a chairperson from among its members. Seven members of the board shall constitute a quorum. The board shall make an annual report on December 1 to the governor, the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate energy, environment and economic development committee, and the public utilities commission, to provide an update on its activities and any recommendations for action.

IV. No member of the board shall vote on a matter in which the member, his or her spouse or dependent, or the organization or entity represented by or employing the member, has a private interest which may directly or indirectly affect or influence the performance of his or her duties.

MOTION TO TABLE

Senator Cilley moved to have HB 1561 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1561, establishing an energy conservation and efficiency board.

HB 1579-FN, establishing a commission to study issues relating to land development and land development regulation in New Hampshire. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-1. Senator Fuller Clark for the committee.

Energy, Environment, and Economic Development

April 29, 2008

2008-1569s

06/04

Amendment to HB 1579-FN

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

AN ACT establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as section 10:

6 Land and Community Heritage Investment Program; Real Estate Recording Surcharge; Purpose.

I. The purpose of RSA 478:17-g is to ensure that the registers of deeds serve as the initial point in a comprehensive service system that protects the interests in real property for persons recording documents with the registers. The recording of documents with the register of deeds, together with the other related state services, allows for the protection of real estate and other property interests, stability in the conveyance and mortgaging of realty, access to capital for the purchase of real estate, and protection of the value of real property in New Hampshire.

II. The registers of deeds function as the initial and central point in the state's comprehensive service framework to protect interests in real property. These comprehensive services include enforcement of property interests by the judicial system, regulation of mortgage lenders by the banking department, and investment by the state to preserve the state's most important natural, cultural, and historical resources, which protect the long-term property values for landowners across the state. The recording stamp fee is intended to defray the state's costs in administering its comprehensive system of services to protect the interests landowners have in real property, as evidenced by the recording of documents with the registers of deeds.

7 Land and Community Heritage Investment Program. Funding and Surcharge Stamps. RSA 478:17-g, I-a and II are repealed and reenacted to read as follows:

I-a.(a) For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$10 for the first recorded page, plus \$4 for each additional recorded page, except that assignments of mortgages shall be \$10 for the first assignment per recorded document, plus \$5 for each subsequent mortgage being assigned, plus \$4 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 21-J, RSA 260, RSA 282-A, RSA 382-A, RSA 439, RSA 450, RSA 454-B, RSA 498, RSA 511, or RSA 511-A, or discharge of a lien shall be \$15, plus \$4 for each additional page; provided that the fees for all filings under RSA 382-A in the office of the secretary of state only shall be as prescribed in RSA 382-A:9-525. These charges shall include all charges for information furnished in compliance with RSA 478:14.

(b) For recording each mortgage, mortgage discharge, deed, and plan, a surcharge of \$25 per document shall also be assessed, to be paid over as set forth in subparagraphs (e) and (f), except as provided in subparagraphs (c), (d), and (g) below.

(c) No such surcharge shall be assessed on the United States or any instrumentality thereof, the state, a state agency, a county, a municipality, a village district, or a school district. The total amount of surcharges collected under subparagraph (b) shall not exceed \$100 for each principal party or parties to a transaction involving the sale, grant, or transfer of real estate taxable under RSA 78-B:1. "Principal party or parties" shall include:

(1) the sellers, grantors, assignors, or transferors of any real estate or any interest in real estate;

(2) the purchasers, grantees, assignees, or transferees of any real estate or any interest in real estate;

(3) third parties involved in the transaction such as mortgagees. "Transaction" shall mean an event that results in the transfer of any real estate or any interest in real estate. Any party to a transaction that has met the \$100 cap per transaction shall file an affidavit stating that the cap has been met and the basis for such claim, which shall be presumed by the register of deeds as true absent clear evidence to the contrary. The form for such affidavit shall be prescribed by administrative rule adopted by the commissioner of the department of revenue administration.

(d) This surcharge shall be administered by the commissioner of the department of revenue administration, and all powers and duties available to the commissioner to enforce and administer laws under RSA 21-J and RSA 78-B shall apply to the administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to RSA

541-A, relative to the administration of this paragraph. Each register of deeds shall retain 4 percent of the total surcharges collected as payment for the service of collecting the surcharge, which shall be deducted prior to remitting the revenue collected.

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

(f) The payment of the surcharge imposed by subparagraph (b) shall be evidenced by stamps, or other indicia as approved by the commissioner of the department of revenue administration, attached to the recorded instrument.

(g) The surcharge of \$25 imposed by subparagraph (b) shall not apply to:

- (1) Attachments;
- (2) Leases;
- (3) Agreements;
- (4) Assignments;
- (5) Releases;
- (6) All government documents, as set forth in subparagraph (c) above;
- (7) Death certificates;
- (8) Trustees' certificates and affidavits;
- (9) UCC documents; and
- (10) Foreclosure documents.

II.(a) For recording plans, \$9 for the first 200 square inches or part thereof and \$2.50 for each additional 100 square inches or part thereof.

(b) For recording each plan described in subparagraph (a), a surcharge of \$25 per plan shall also be assessed, to be paid over as set forth in subparagraphs I (e) and (f), except as provided in subparagraphs I (c) and (d).

8 Land Development Regulations Commission; Membership. Amend subparagraph I(b) as inserted by section 2 of the bill to read as follows:

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

¬9 New Subparagraph; Land Development Regulations Commission; Membership. Amend paragraph I as inserted by section 2 of the bill by inserting after subparagraph (n) the following new subparagraph:

(o) A landowner appointed by the New Hampshire Timberland Owners Association.
2008-1569s

AMENDED ANALYSIS

This bill:

I. Establishes a commission to study issues relating to land development and land development regulation in New Hampshire.

II. Establishes a surcharge on certain registered documents relating to real property.

III. Distributes a portion of such surcharges collected to the land and community heritage investment program trust fund.

IV. Authorizes the commissioner of the department of revenue administration to administer the surcharge.

MOTION TO TABLE

Senator Fuller Clark moved to have HB 1579-FN laid on the table.

Adopted.

LAID ON THE TABLE

HB 1579-FN, establishing a commission to study issues relating to land development and land development regulation in New Hampshire.

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Hassan for the committee.

Energy, Environment, and Economic Development

May 1, 2008

2008-1643s

08/04

Amendment to HB 1594-FN

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

AN ACT relative to hazardous materials.

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

1 Authorization for Hazardous Materials Response Teams. Amend RSA 154:30-c, II(f)-(g) to read as follows:

(f) Extend the advantages of group purchasing for services performed by it to municipalities and fire departments in the system; ~~and~~

(g) Provide and operate training programs for firefighters and emergency medical technicians[-]; **and**

(h) Establish a regional hazardous materials response team.

2 New Section; Hazardous Materials Emergency Response Program Fund. Amend RSA 154 by inserting after section 30-h the following new section:

154:30-i Hazardous Materials Emergency Response Program Fund.

I. There is hereby established in the department of safety a separate, nonlapsing fund called the hazardous materials emergency response program fund. The commissioner of the department of safety may accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this section.

II. Grants from the hazardous materials emergency response program fund shall be awarded for the purpose of funding the regional hazardous materials response teams through district fire mutual aid systems, and as provided in paragraph III, by a committee consisting of:

(a) The commissioner of the department of safety, or designee.

(b) The state fire marshal, or designee.

(c) The director of homeland security and emergency management, or designee.

(d) Two members of regional hazardous materials response teams in New Hampshire, appointed by the governor.

(e) One senator, appointed by the president of the senate.

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

III. The committee shall provide each district fire mutual aid system possessing a regional hazardous materials response team with an annual grant for the operation of its regional hazardous materials response teams within available funds. These grants shall be awarded pursuant to a grant award process established by the committee, and contingent upon adequate funds. These funds shall be over and above any funds received by district fire mutual aid systems to fund regional hazardous materials response teams from other sources.

3 New Subparagraph; Hazardous Materials Emergency Response Program Fund.
Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following:

(269) Moneys received by the commissioner of safety under RSA 154:30-i, which shall be credited to the hazardous materials emergency response program fund established in RSA 154:30-i.

4 Commission Established. There is established a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

5 Membership and Compensation.

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

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

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

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

(d) The state fire marshal, or designee.

(e) Four members of the business community, appointed by the Business and Industry Association of New Hampshire.

(f) A member of the New Hampshire Motor Transport Association, appointed by that organization.

(g) A member of the Independent Oil Marketers Association of New England, appointed by that association.

(h) A member of a regional hazardous materials response team appointed by the New Hampshire Association of Fire Chiefs.

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

6 Duties. The commission shall study the sources of funding and expenditures related to programs for hazardous waste, as defined in RSA 147-B:2, VII, and hazardous materials, as defined by RSA 147-B:2, VIII, in New Hampshire. The commission's study shall include:

I. A compilation of the various different sources of income and the dedicated funds associated with hazardous waste and hazardous materials programs.

II. A compilation of the expenditures associated with hazardous waste and hazardous materials programs.

III. An examination of the relationship between the incomes and the expenditures of the funds used in hazardous waste and hazardous materials programs.

IV. An examination of the uniformity of the relationship between fund income and expenditures and recommendations on improving the uniformity of that relationship.

V. An examination of the possibility of improving program effectiveness through consolidation of the various funding sources or programs.

VI. An examination of hazardous material reporting and related fees for future funding of hazardous materials emergency response programs.

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

8 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the

senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.

9 Hazardous Materials Emergency Response Program; Fiscal Year 2009 Grant. On July 1, 2008, the commissioner of the department of safety shall transfer up to \$1,200,000 from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d to the hazardous materials emergency response program fund established in RSA 154:30-i to fund grants awarded under RSA 154:30-i for the fiscal year ending June 30, 2009.

10 Fire Standards and Training and Emergency Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, ~~and~~ the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36, **and to provide funding for the hazardous materials emergency response program fund established in RSA 154:30-i.** If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

11 Fire Standards and Training and Emergency Services Fund; 2009 Changes. RSA 21-P:12-d is repealed and reenacted to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, and the bureau of emergency management in the division of emergency services, communications, and management under RSA 21-P:36. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the bureau of emergency management in the division of emergency services, communications, and management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

12 Repeal. The following are repealed:

I. RSA 154:30-i, relative to the hazardous materials emergency response program fund.

II. RSA 6:12, I(b)(269), relative to the hazardous materials emergency response program fund.

13 Effective Date.

I. Sections 2 and 3 of this act shall take effect July 1, 2008.

II. Section 11 of this act shall take effect July 1, 2009.

III. Section 12 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

- I. Creates a hazardous materials emergency response program fund, effective until July 1, 2013.
- II. Establishes a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.
- III. Authorizes district fire mutual aid systems to establish regional hazardous materials response teams.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1632, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Cilley for the committee.

Energy, Environment and Economic Development
April 28, 2008
2008-1546s
08/04

Amendment to HB 1632

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

2 New Subparagraphs; Members of Commission. Amend 2007, 283:2, I by inserting after subparagraph (m) the following new subparagraphs:

- (n) A person from the financial investment community, designated by the governor.
 - (o) A farmer growing crops used for biodiesel production, designated by the governor.
- 2008-1546s

AMENDED ANALYSIS

This bill continues the commission to study the production and distribution of biodiesel in New Hampshire.

This bill also adds members to the commission to study the production and distribution of biodiesel in New Hampshire.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1647-FN-A, relative to demand response program revenue. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Adopted.

Ordered to Third Reading.

HB 1516-FN, relative to the divestiture of New Hampshire retirement assets relating to Sudan. Executive Departments and Administration Committee. Ought to Pass, Vote 2-1. Senator Kelly for the committee.

Senator Cilley offered a floor amendment.

Sen. Cilley, Dist. 6
May 8, 2008
2008-1781s
10/04

Floor Amendment to HB 1516-FN

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

AN ACT relative to the divestiture of New Hampshire treasury investments relating to Sudan.

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

1 Legislative Findings.

I. On July 23, 2004, Congress declared that “the atrocities unfolding in Darfur, Sudan, are genocide.”

II. The Darfur crisis represents the first time the United States government has labeled ongoing atrocities genocide.

III. The federal government has imposed sanctions against the government of Sudan since 1997. These sanctions are monitored through the United States Treasury Department’s Office of Foreign Assets Control (OFAC).

IV. Since 1993, the United States Secretary of State has determined that Sudan is a country the government of which has repeatedly provided support for acts of international terrorism, thereby restricting United States assistance, defense exports and sales, and

financial and other transactions with the government of Sudan.

V. It is a fundamental responsibility of the state of New Hampshire to decide where, how, and by whom financial resources in its control should be invested, taking into account numerous pertinent factors.

VI. It is the prerogative and desire of the state of New Hampshire in respect to investment resources in its control and to the extent reasonable, with due consideration for, among other things, return on investment, on behalf of itself and its investment beneficiaries, not to participate in an ownership or capital-providing capacity with entities that provide significant practical support for genocide, including certain non-United States companies presently doing business in Sudan.

VII. It is the judgment of the general court that mandatory divestment of state funds in the direct control of the state treasurer from certain companies is a measure that should be employed sparingly and judiciously. A Congressional and Presidential declaration of genocide satisfies this high threshold.

2 State Treasurer; Divestiture. The state treasurer shall divest the state, as expeditiously as possible, of all investments in business entities, however described, which have directly supported or promoted the genocidal campaign in Darfur, Sudan.

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

2008-1781s

AMENDED ANALYSIS

This bill requires the state treasurer to divest the state of all investments in business entities which have directly supported or promoted the genocidal campaign in Darfur, Sudan.

Senator Cilley withdrew floor amendment (1781).

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

Adopted.

Senator Burling, Rule 42 on HB 1516-FN.

Ordered to Third Reading.

Senator Cilley is in opposition to HB 1516-FN.

HB 1395-FN, establishing the AIDS drug assistance program fund and relative to the membership of the health services planning and review board. Finance Committee. Ought to Pass, Vote 3-0. Senator Sgambati for the committee.

Adopted.

Ordered to Third Reading.

HB 1595-FN, relative to driver's license renewals by persons engaged in overseas government service. Finance Committee. Inexpedient to Legislate, Vote 4-1. Senator Janeway for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. Health and Human Services Committee. Ought to Pass with Amendment, Vote 2-0. Senator Estabrook for the committee.

Health and Human Services

May 1, 2008

2008-1638s

01/04

Amendment to HB 1231

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

AN ACT repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee and relative to the New Hampshire comprehensive cancer plan.

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

2 New Hampshire Comprehensive Cancer Plan. Amend RSA 126-A:64 to read as follows:

126-A:64 Comprehensive Cancer Plan Fund. There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, ***with allocations determined by the comprehensive cancer plan oversight board:***

I. ~~[67.4 percent towards the state tobacco use prevention program which shall be expended by the department for]~~ Tobacco use prevention and cessation programs ~~[as provided]~~ ***using strategies included*** in RSA 126-K:15.

II. ~~[2.5 percent towards]~~ Diet and exercise programs.

III. ~~[5.9 percent towards]~~ Early detection and screening programs for breast and cervical cancer.

IV. ~~[17.6 percent towards]~~ Early detection and screening programs for colorectal cancer.

V. ~~[1.2 percent towards]~~ Survivorship and cancer support for those affected by prostate cancer.

VI. ~~[2.2 percent to identify and promote treatment and]~~ Support services for survivors.

VII. ~~[3.2 percent to minority oversampling data for information on]~~ ***Data collection and analysis of minority population*** behavioral risk and cancer rates.

3 Comprehensive Cancer Plan Oversight Board. Amend RSA 126-A:65, III to read as follows:

III. The ~~[board of directors]~~ ***members of the board*** may appoint other members to the comprehensive cancer plan oversight board.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2008-1638s

AMENDED ANALYSIS

This bill repeals the advisory panel on cancer and chronic diseases and the tobacco use advisory committee.

This bill also allows the comprehensive cancer plan oversight board to allocate the amounts to be expended from the comprehensive cancer plan fund on certain programs. Current law includes percentage amounts for such programs.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1484, establishing a commission to study retail health clinics. Health and Human Services Committee. Ought to Pass with Amendment, Vote 2-0. Senator Janeway for the committee.

Health and Human Services

April 29, 2008

2008-1597s

01/03

Amendment to HB 1484

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

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

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

(b) The commissioner of the department of health and human services, or designee.

(c) A representative of the New Hampshire Medical Society, appointed by such society.

(d) A representative of the New Hampshire Nurses' Association, appointed by such association.

(e) A representative of the New Hampshire Association of Chain Drug Stores who is associated with a chain of drug stores that have retail clinics, appointed by such association.

(f) A representative of the Bi-State Primary Care Association, appointed by such association.

(g) A representative of the New Hampshire Hospital Association, appointed by the association.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process. Health and Human Services Committee. Ought to Pass, Vote 2-0. Senator Estabrook for the committee.

Adopted.

Ordered to Third Reading.

HB 310, allowing municipalities to regulate small wind energy systems. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-0. Senator Barnes for the committee.

Public and Municipal Affairs

April 30, 2008

2008-1623s

08/09

Amendment to HB 310

Amend RSA 674:59 as inserted by section 1 of the bill by replacing it with the following:

674:59 Municipal Regulations of Small Wind Energy Systems. Ordinances or regulations adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations. Unreasonable limits or hindrances to performance shall include the following:

I. Prohibiting small wind energy systems in all districts within the municipality. A municipality may, by adoption or amendment of a zoning ordinance, prohibit small wind energy systems in a historic district established pursuant to RSA 674:45 through RSA 674:50 or where necessary to protect the public health, safety, and welfare pursuant to RSA 672:1, III-a.

II. Restricting tower height or system height through application of a generic ordinance or regulation on height that does not specifically address allowable tower height or system height of a small wind energy system. Limits on tower height or system height may consider factors such as, but not limited to, system operability, visual impacts, and safety.

III. Requiring a setback from property boundaries for a tower greater than 150 percent of the system height. In a municipality that does not adopt specific setback requirements for small wind energy systems, any small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height; provided, however, that this requirement may be modified by the zoning board of

adjustment upon application in an individual case if the applicant establishes the conditions for a variance under this chapter.

IV. Setting a noise level limit lower than 55 decibels, as measured at the site property line, or not allowing for limit overages during short-term events such as utility outages and severe wind storms.

V. Setting electrical or structural design criteria that exceed applicable state, federal, or international building or electrical codes or laws.

Amend RSA 674:62 as inserted by section 1 of the bill by replacing it with the following:

674:62 Abutter and Regional Notification.

I.(a) A municipal building inspector shall notify all abutters by certified mail upon issuance of a building permit to construct a small wind energy system. An appeal may be made to the building code board of appeals pursuant to RSA 674:34 or to the zoning board of adjustment pursuant to RSA 676:5, as may be appropriate.

(b) The cost of abutter notification shall be borne by the applicant.

(c) The building inspector shall provide notice of the issuance of the building permit to the local governing body.

II. The building inspector shall review an application for a small wind energy system pursuant to RSA 36:56 to determine whether it is a development of regional impact, as defined in RSA 36:55. If the building inspector determines that the proposal has the potential for regional impact, he or she shall follow the procedures set forth in RSA 36:57, IV.

Amend RSA 4-C:5-a as inserted by section 4 of the bill by replacing it with the following:

4 New Section; Model Ordinance. Amend RSA 4-C by inserting after section 5 the following new section:

4-C:5-a Model Ordinance. The director of the office of energy and planning shall develop a technical bulletin relative to model municipal ordinances for the construction of small wind energy systems. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The office shall provide a copy of the technical bulletin to any New Hampshire municipality that requests it. The technical bulletin shall be complete by September 30, 2008.

Amend the bill by inserting all after section 4 with the following:

5 New Paragraph; Building Inspectors. Amend RSA 36:57 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided reasonable opportunity to submit comment to the local governing body prior to the issuance of the building permit.

6 Effective Date.

I. Sections 1-3 of this act shall take effect one year after its passage.

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

2008-1623s

AMENDED ANALYSIS

This bill allows municipalities to regulate small wind energy systems.

This bill also requires municipal building inspectors to notify abutters of a building permit issued to construct a small wind energy system.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 331, relative to time limits on design review. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

Public and Municipal Affairs

April 30, 2008

2008-1612s

06/09

Amendment to HB 331

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

1 Building Permits to be Withheld in Certain Cases; Plat or Application Subject of Notice. Amend RSA 676:12, VI to read as follows:

VI. The provisions of paragraph I shall not apply to any plat or application which has been the subject of notice by the planning board pursuant to RSA 676:4, I(d) prior to the first legal notice of a proposed change in a building code or zoning ordinance or any amendment thereto. No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application which has been the subject of notice by the planning board pursuant to RSA 676:4, I(d) so long as said plat or application was the subject of notice prior to the first legal notice of said change or amendment. The provisions of this paragraph shall ***also*** apply to proposals submitted to a planning board for design review pursuant to RSA 676:4, II(b), provided that a formal application is filed with the planning board within 12 months of the end of the design review process.

2 Board's Procedures on Plats; Design Review Phase. Amend RSA 676:4, II(b) to read as follows:

(b) Design review phase. The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph I(d). ***The board may establish reasonable rules of procedure relating to the design review process, including submission requirements. At a public meeting, the board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination.*** Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

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

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1254, relative to the ability of towns to regulate the storage of deicing chemicals. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Burling for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1408-L, relative to the right-to-know law. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator Hassan for the committee.

Adopted.

Ordered to Third Reading.

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-1. Senator Burling for the committee.

Public and Municipal Affairs
April 29, 2008
2008-1591s
09/04

Amendment to HB 1442-FN-A-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Chapter; Taxation of Farm Structures and Land Under Farm Structures. Amend RSA by inserting after chapter 79-E the following new chapter:

CHAPTER 79-F

**TAXATION OF FARM STRUCTURES AND
LAND UNDER FARM STRUCTURES**

79-F:1 Declaration of Public Interest. The general court hereby finds it to be in the public interest to encourage the preservation of productive farms and associated structures. These structures are important in sustaining the economic viability of the state's farms, ensuring a reliable and safe local food supply, and providing an attractive environment for recreation, tourism, and wildlife. Farming in New Hampshire has a long and proud history which shaped our state's landscape. It is further declared to be in the public interest to prevent the loss of farms and their associated structures due to property taxation at values incompatible with their usage.

79-F:2 Local Adoption of This Chapter.

I. Any municipality may adopt the provisions of this chapter by vote of its legislative body. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote “yes,” the provisions of this chapter shall take effect on April 1 following the vote, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. A municipality that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies.

79-F:3 Definitions.

I. “Appurtenances” means the land necessary to support or service the qualifying structure.

II. “Assessing official” means the assessing authority of any town, city, or place.

III. “Board of tax and land appeals” means the board of tax and land appeals established pursuant to the provisions of RSA 71-B:1.

IV. “Commissioner” means the commissioner of the department of revenue administration.

V. “Land under the qualifying farm structure” means only the land immediately under the footprint of the qualifying farm structure and its appurtenances, if any.

VI. “Open space land” means any or all farm land, forest land, or unproductive land as defined as follows.

(a) “Farm land” means any cleared land devoted to or capable of agricultural or horticultural use.

(b) “Forest land” means any land growing trees.

(c) “Unproductive land” means land, including wetlands, which by its nature is incapable of producing agricultural or forest products due to poor soil or site characteristics, or the location of which renders it inaccessible or impractical to harvest agricultural or forest products.

VII. “Owner” means the person who is the owner of record of any land.

VIII. “Person” means any individual, firm, corporation, partnership, or other form of organization or group of individuals.

IX. “Qualifying farm structures” mean structures contiguous to a minimum of 10 acres of open space land used exclusively to:

(a) House livestock;

(b) Store feed grown or used on the farm;

(c) Store livestock bedding;

(d) Store crops or fertilizer for crops grown on the farm;

(e) Store farm equipment which is actively used to maintain the farm; or

(f) Boil sap from maple trees and store fuel-wood used to boil sap from maple trees.

X. “Use change tax” means a tax that shall be levied when the land use changes from under farm buildings use to a non-qualifying use or when the use of a qualifying farm structure changes to a non-qualifying use.

79-F:4 Appraisal of Qualifying Farm Structures and Land Under Them.

I. The selectmen or assessing officials in any municipality adopting the provisions of this chapter shall appraise:

(a) Qualifying farm structures for no more than their replacement costs less depreciation; and

(b) The land under the qualifying farm structures at no more than 10 percent of its market value. The land under the qualifying farm structure shall be contiguous to a minimum of 10 acres of open space land.

II. No owner of a qualifying structure shall be entitled to have the qualifying structure or land under it classified for any tax year under the provisions of this chapter unless he or she applies to the assessing officials on or before April 15 of said year, on a form approved and provided by the commissioner, to have his or her parcel of land so classified. If any owner satisfies the assessing officials that he or she was prevented by accident, mistake, or misfortune from filing such application on or before April 15, the assessing officials may receive the application at a later date and classify the structure and parcel of land under this chapter; but no such application shall be received after the local tax rate has been approved by the commissioner for that year.

III. The assessing officials shall notify the applicant on a form provided by the commissioner no later than July 1, or within 15 days if the application is filed after July 1, of their decision to classify or refusal to classify the structure and parcel of land under the provisions of this chapter by delivery of such notification to him or her in person or by mailing such notification to his or her last and usual place of abode.

IV. Prior to July 1 each year, the assessing officials shall determine if previously classified structures and lands have been reapplied or have undergone a change in use so that the use change tax may be levied against the structures and lands changed in use, according to RSA 79-F:5. A list of all classified structures and lands and their owners in each town or city shall be filed by the respective assessing officials each year. Such list shall be part of the invoice and subject to inspection as provided in RSA 76:7.

V. The commissioner shall include on the inventory blank, required under RSA 74:4, a question concerning whether any changes have been made in the use of qualifying structures and land classified as land under qualifying farm structures. The question shall be written to enable the assessing officials to locate structures and parcels which may require a change in assessment and to fit the context of the blank.

VI. The assessing officials shall file with the register of deeds in the appropriate county, on or before August 1 in each year, a notice of contingent liens describing all structures and parcels of land classified under the provisions of this chapter. If a parcel of land is classified as land under qualifying farm structures after such date, the assessing officials shall file notice of contingent lien with the register of deeds in the appropriate county within 14 days of said classification. The notice filed pursuant to this paragraph shall be on a form approved by the board and provided by the commissioner, shall contain the name of each owner, the date of classification and a short description of each parcel of real estate together with such other information as the board may prescribe; provided, however, the assessing officials shall not file each year parcels of land classified under this chapter which have been previously filed, unless there has been some change in the acreage involved.

VII. A fee, in accordance with RSA 478:17-g, I, shall be paid by the owner for each parcel which is classified as land under qualifying farm structures to the local assessing officials, to be paid over to the register of deeds for recording the notice of contingent lien. The notice of contingent lien shall constitute notice to all interested parties that a lien on the parcel shall be created if and when the land is subsequently disqualified from taxation under this chapter, in the same manner as provided in RSA 80:85.

79-F:5 Consideration for Use Change. Land and qualifying farm structures which have been appraised pursuant to this chapter shall be subject to a use change tax, payable to the tax collector of the municipality, if the use thereof changes to such an extent that the structure no longer meets the definition of a qualifying farm structure as defined in RSA 79-F:3, IX. The consideration shall be at the rate of 10 percent of the full value assessment determined without regard to the current use of the land or qualifying farm structure. Notwithstanding the provisions of RSA 76:2, such assessed value shall be determined as of the actual date of the use change if such date is not April. This use change tax shall be in

addition to the annual real estate tax imposed upon the property, and shall be due and payable upon the use change.

79-F:6 Appeal to Board of Tax and Land Appeals.

I. If the assessing officials deny in whole or in part any application for classification as land under qualifying farm structures, or grant a different classification than that applied for, the applicant, having complied with the requirements of RSA 79-F:4, II may, on or before 6 months after any such action by the assessing officials, in writing and upon a payment of a \$65 filing fee, apply to such board for a review of the action of the assessing officials.

II. The board of tax and land appeals shall investigate the matter and shall hold a hearing if requested as provided in this section. The board shall make such order thereon as justice requires, and such order shall be enforceable as provided hereafter.

III. Upon receipt of an application under the provisions of paragraph I, the board of tax and land appeals shall give notice in writing to the affected town or city of the receipt of the application by mailing such notice to the town or city clerk thereof by certified mail. Such town or city may request in writing a hearing on such application within 30 days after the mailing of such notice. If a hearing is requested by a town or city, the board shall, not less than 30 days prior to the date of hearing upon such application, give notice of the time and place of such hearing to the applicant and the town or city in writing. Nothing contained herein shall be construed to limit the rights of taxpayers to a hearing before the board of tax and land appeals.

IV. The applicant and the town or city shall be entitled to appear by counsel, may present evidence to the board of tax and land appeals and may subpoena witnesses. Either party may request that a stenographic record be kept of the hearing. Any investigative report filed by the staff of the board shall be made a part of such record.

V. In such hearing, the board of tax and land appeals shall not be bound by the technical rules of evidence.

VI. Either party aggrieved by the decision of the board of tax and land appeals may appeal pursuant to the provisions of RSA 71-B:12. For the purposes of such appeal, the findings of fact by said board shall be final. Any such appeal shall be limited to questions of law. An election by an applicant to appeal in accordance with this paragraph shall be deemed a waiver of any right to petition the superior court in accordance with RSA 79-F:7.

VII. A copy of an order of classification ordered by the board of tax and land appeals, attested as such by the chairman of the board, if no appeal is taken hereunder, may be filed in the superior court for the county or in the Merrimack county superior court at the option of said board; and, thereafter, such order may be enforced as a final judgment of the superior court.

79-F:7 Appeal to Superior Court. If the assessing officials deny in whole or in part any application for classification as land under qualifying farm structures, or grant a different classification from that applied for, the applicant, having complied with the requirements of RSA 79-F:4, II may, within 6 months after notice of denial or classification, apply by petition to the superior court of the county, which shall make such order thereon as justice requires. Any appeal to the superior court under this section shall be in lieu of an appeal to the board of tax and land appeals pursuant to RSA 79-F:6.

79-F:8 Abatement of Use Change Tax.

I. Any person aggrieved by the assessment of the use change tax may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the use change tax.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III.(a) If the selectmen or assessors neglect or refuse to abate the use change tax, any person aggrieved may either:

(1) Apply in writing to the board of tax and land appeals accompanied with a \$65 filing fee; or

(2) Petition the superior court in the county.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the use change tax bill.

V. Each use change tax bill shall require a separate abatement request and appeal.

79-F:9 Lien for Unpaid Taxes. The real estate of every person shall be held liable for the taxes levied pursuant to RSA 79-F:5.

79-F:10 Enforcement. All taxes levied pursuant to RSA 79-F:5 which are not paid when due shall be collected in the same manner as provided in RSA 80.

79-F:11 Disposition of Revenues. All money received by the tax collector pursuant to the provisions of this chapter shall be for the use of the town or city.

79-F:12 Location of Contiguous Land in More Than One Taxing District. Where contiguous land which could be classified as land under qualifying farm structures is located in more than one town, compliance with any minimum area requirement pursuant to RSA 79-F:4 shall be determined on the basis of the total area of such land, and not the area which is located in any particular town.

2008-1591s

AMENDED ANALYSIS

This bill grants municipalities the option to allow:

I. The land under qualifying farm structures to be assessed at a lower rate than full market value.

II. Farm buildings used exclusively for farm purposes to be assessed for no more than their replacement costs less depreciation.

MOTION TO TABLE

Senator D'Allesandro moved to have HB 1442-FN-A-L laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings.

Senator Reynolds is in opposition to the motion to table HB 1442-FN-A-L.

HB 1521-L, relative to Franklin Highway in the town of Andover. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-0. Senator Barnes for the committee.

Adopted.

Ordered to Third Reading.

HB 1636, relative to automotive recycling. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-0. Senator DeVries for the committee.

Adopted.

Ordered to Third Reading.

HB 730, increasing the maximum fine for speeding in a highway construction or maintenance zone. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 2-0. Senator Letourneau for the committee.

Committee report of Inexpedient to Legislate is adopted.

HB 1206, relative to park and ride facilities. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

Adopted.

Ordered to Third Reading.

HB 1207, relative to standards for highway and bridge construction. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Clegg for the committee.

Adopted.

Ordered to Third Reading.

HB 1466, relative to the inventory fund in the department of safety and relative to the costs and production of number plates. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

Adopted.

Ordered to Third Reading.

HB 1493, relative to the commission to study the state highway trust fund. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation

April 30, 2008

2008-1627s

06/09

Amendment to HB 1493

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

- 1 Members Specified. Amend 2007, 207:2, I(a) and (b) to read as follows:

(a) Three members of the house of representatives, ***one from the public works and highways committee, one from the finance committee, and one from the ways and means committee***, appointed by the speaker of the house of representatives.

(b) Three members of the senate, ***one from the finance committee, one from the ways and means committee, and one from the transportation and interstate cooperation committee***, appointed by the president of the senate.

2 Committee Extended; Report. Amend 2007, 207:5 to read as follows:

207:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before ~~November 1, 2007~~ ***December 1, 2008***.

3 Effective Date. This act shall take effect upon its passage.
2008-1627s

AMENDED ANALYSIS

This bill:

I. Clarifies the selection of commission members.

II. Extends the reporting date of the commission.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1496-FN, establishing motor vehicle learners' permits and relative to youth operators' licenses. Transportation and Interstate Cooperation Committee. Interim Study, Vote 4-1. Senator Burling for the committee.

Committee report of Interim Study is adopted.

HB 1426-FN-A, relative to motor fuel import fees. Ways and Means Committee. Ought to Pass with Amendment, Vote 4-0. Senator Downing for the committee.

Sen. Odell, Dist. 8
April 28, 2008
2008-1557s
08/09

Amendment to HB 1426-FN-A

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

1 Change in Import Fee Allocation. Amend RSA 146-D:3, VI(a)-(b) to read as follows:

(a) ***A fee of \$0.015 shall be assessed*** for each gallon of diesel fuel ~~[for which a fee is assessed, \$.014 shall be placed in an account for reimbursement of owners of eligible~~

~~underground storage facilities and \$.001 shall be placed in an account to be used for reimbursement of owners of eligible bulk storage facilities].~~

(b) For each gallon of gasoline for which a fee is assessed, ~~[\$0.0115]~~ **\$0.0125** shall be placed in the ~~[underground storage facilities account, \$.001 shall be placed in the bulk storage facilities account]~~ **oil discharge and disposal cleanup fund** and \$0.0025 shall be placed in the gasoline remediation and elimination of ethers fund established under RSA 146-G.

2 Change in Import Fee Allocation. Amend RSA 146-G:4, II to read as follows:

II. Moneys in the fund not currently needed to meet the obligations of the board under this chapter shall be deposited with the state treasurer to the credit of the fund and shall be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$2,500,000, the transfer of moneys into the fund as established in ~~[RSA 146-D:3]~~ **RSA 146-D:3, VI(b)** shall be discontinued and only re-established when the fund's balance is below \$1,000,000. Those fees normally transferred to the gasoline remediation and elimination of ethers fund shall accumulate instead in the ~~[account for reimbursement of owners of eligible underground storage facilities under RSA 146-D:3, VI]~~ **oil discharge and disposal cleanup fund**.

3 Reporting Requirement; Deadline Extended. Amend RSA 146-G:9 to read as follows:

146-G:9 Reporting by the Oil Disbursement Board. The board shall file annual reports of the status of the gasoline remediation and elimination of ethers fund no later than October 1, to the speaker of the house, the president of the senate and the state library. The first such report shall be submitted no later than October 1, 2002. The board shall also file interim reports on the activities of the gasoline remediation and elimination of ethers fund, including expenditures and reimbursements, and enforcement and remediation activities under RSA 146-G, by October 1, 2005 and by October 1, ~~[2008]~~ **2010** to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library. The board shall file a final report on the activities of the fund and enforcement and remediation activities by October 1, ~~[2009]~~ **2015** to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the house and senate committees having jurisdiction over water quality policy, the governor, and the state library.

4 Funds Transfer Date Changed. Amend 1993, 294:1 as amended by 1995, 247:9, as amended by 2001, 293:18 to read as follows:

294:1 Funds Transferred to Oil Pollution Control Fund. The oil discharge and disposal cleanup fund established in RSA 146-D:3, I shall lapse on July 1, ~~[2010]~~ **2015**. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

5 Funds Transfer Changed. Amend 2001, 293:21 to read as follows:

293:21 Funds Transferred to Oil Pollution Control Fund. The gasoline remediation and elimination of ethers fund established in RSA 146-G:4, I shall lapse on July 1, ~~[2009]~~ **2015**. Any moneys remaining in the fund at that time shall be transferred to the ~~[oil discharge and disposal cleanup fund account for underground storage facilities, established in RSA 146-D:3, VI]~~ **oil pollution control fund established in RSA 146-A:11-a**.

6 Commissioner of Safety; Rulemaking Authority. Amend 2001, 293:14 to read as follows:

293:14 Commissioner of Safety; Rulemaking Authority; ~~[2009]~~ **2015** Version. RSA 21-P:14, V(q) is repealed and reenacted to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b-~~[RSA 146-D:3,]~~ and RSA 146-E:3 after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.

7 Determination and Payment of Road Toll. Amend 2001, 293:17 to read as follows:

293:17 Determination and Payment of Road Toll; [2009] **2015** Version. RSA 260:38, IV is repealed and reenacted to read as follows:

IV. The department of safety shall be responsible for licensing and the collection of the fee established under RSA 146-A:11-b[, ~~RSA 146-D:3,~~] and RSA 146-E:3 and transfer of such fees into the appropriate designated funds under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services and the oil fund disbursement board. The department of safety shall be responsible for the collection of the fee established under RSA 147-B:12 and transfer of such fee into the hazardous waste cleanup fund under rules adopted by the commissioner pursuant to RSA 541-A, after consultation with the department of environmental services.

8 Repeal. RSA 146-D:3, VII, relative to import fee allocations, is repealed.

9 Effective Date of Repeal Changed. Amend 1988, 271:11, I as amended by 1993, 294:14, as amended by 1995, 247:10, as amended by 2001, 293:19 to read as follows:

I. Paragraphs VIII and IX of section 9 of this act shall take effect July 1, [2010] **2015**.

10 Effective Dates of Repeals Changed. Amend 2001, 293:22, I-III to read as follows:

I. Paragraph I of section 20 of this act shall take effect July 1, [2009] **2015**.

II. Paragraph II of section 20 of this act shall take effect October 1, [2009] **2015**.

III. Sections 14 and 17 of this act shall take effect at 12:01 a.m. on July 1, [2009]

2015.

11 Effective Date. This act shall take effect July 1, 2008.

2008-1557s

AMENDED ANALYSIS

This bill:

I. Consolidates two separate cleanup accounts in the oil discharge and disposal cleanup fund into a single account.

II. Extends the lapse dates of the oil discharge and disposal cleanup fund and the gasoline remediation and elimination of ethers fund.

III. Increases the fee assessed on motor fuels and places the collected fees in the oil discharge and disposal cleanup fund.

IV. Is a request of the oil fund disbursement board.

A roll call was requested.

The request for the roll call was withdrawn.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule 26).

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund. Ways and Means Committee. Ought to Pass with Amendment, Vote 4-0. Senator Odell for the committee.

Senate Ways and Means

April 30, 2008

2008-1634s

08/10

Amendment to HB 1509-FN-A

Amend the bill by replacing the title with the following:

AN ACT establishing certain fees for operators of games of chance for the purpose of funding the education trust fund and creating penalties for failure to collect accurate assessments.

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

6 Equipment; Wagering; Prizes. Amend RSA 287-D:3, VIII to read as follows:

VIII. ~~[The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-e are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose.]~~ No charitable game of chance shall be played with government issued currency. Games of chance shall only be played with chips.

IX. Cash may be exchanged for chips only in one designated area. The primary game operator, or charity if there is no primary game operator, shall document the exchange of cash for chips in conformance with rules adopted by the pari-mutuel commission. A primary game operator may also exchange chips for cash received from a player at other fixed locations within the facility or through a licensed employee roaming within the facility if procedures for collecting the assessments required by this chapter and documenting the exchange of cash for chips are approved by the pari-mutuel commission.

X. At the time that any token is exchanged for cash received from a player, the primary game operator, or charity, if there is no primary game operator, shall collect an assessment of 10 percent of money exchanged to be paid to the pari-mutuel commission no later than 10 business days from the date on which the event was conducted. The payment shall be by check made payable to the state of New Hampshire and shall be accompanied by the forms specified by the pari-mutuel commission which shall be signed under penalties of perjury by the primary game operator, or if there is no primary game operator by 2 officers, directors, or duly authorized officials of the charitable organization. The assessments collected by the pari-mutuel commission shall be deposited into the general fund.

XI. At the time that any token is exchanged for cash received from a player, the primary game operator, or charity if there is no primary game operator, shall in addition to the assessment collected for the state, collect an assessment of 8 percent of money exchanged to be paid to the charity which holds the license for the charitable gaming event no later than 10 business days from the date on which the event was conducted.

XII. The pari-mutuel commission shall adopt administrative rules pursuant to RSA 541-A as are necessary to carry out this section.

7 New Section; Penalties for Failure to Collect Accurate Assessments. Amend RSA 287-D by inserting after section 3 the following new section:

287-D:3-a Penalties for Failure to Collect Accurate Assessments; Private Actions. In addition to any other penalties provided by law, and notwithstanding any civil remedy that may otherwise be available:

I. Any person who purposely or knowingly makes a false entry on any report required by this chapter or by rules authorized by this chapter in a manner that would or does result in the assessment paid to either the state or the charity being reduced shall be guilty of a class A felony.

II. Any person who recklessly or negligently makes a false entry on any report required by this chapter or by rules authorized by this chapter in a manner that would or does result in the assessment paid to either the state or the charity being reduced shall be guilty of a class A misdemeanor.

III. Any owner or primary game operator who fails to pay the state or a charity the assessment required by this chapter is guilty of a class A felony.

IV. Any person who violates any provision of RSA 637 in a manner that deprives the state or a charity of the assessments required by this chapter, notwithstanding the penalties set forth in RSA 637:11, shall be guilty of a class B felony for any amount not exceeding \$500, and a class A felony for any amount equal to or greater than \$500.

V. Any charity injured by any act declared unlawful by this chapter may bring an action for damages. If the court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000, whichever is greater. If the court finds that the act was a willful or knowing violation of this chapter, it shall award as much as 3 times, but no less than 2 times, such amount. In addition, a prevailing plaintiff shall be awarded the costs of the suit and reasonable attorney's fees, as determined by the court. Any attempted waiver of the right to the damages set forth in this paragraph shall be void and unenforceable.

8 Maximum Single Wager. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of ~~[\$2]~~ \$5.

9 Pari-Mutuel Commission; Position Established. The classified position of internal auditor III, labor grade 23, to be funded from fees collected pursuant to RSA 287-D:2-d, III, is hereby established in the pari-mutuel commission.

10 Effective Date. This act shall take effect 60 days after its passage.
2008-1634s

AMENDED ANALYSIS

This bill:

- I. Establishes the position of internal auditor III in the pari-mutuel commission.
- II. Requires game operator applicants to submit to a federal background check.
- III. Raises the amount of the bond posted by a game operator.
- IV. Creates penalties for failure to collect accurate assessments.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

MOTION TO TABLE

Senator D'Allesandro moved to have HB 1509-FN-A laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 9

Adopted.

LAIID ON THE TABLE

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

HB 1644-FN-A, establishing a Coos county job creation tax credit. Ways and Means Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Referred to the Finance Committee (Rule 26).

HB 837, relative to easement interests under the land and community heritage investment program. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 3-0. Senator Janeway for the committee.

Adopted.

Ordered to Third Reading.

HB 1537, relative to the definition of milk. Wildlife, Fish and Game, and Agriculture Committee. Inexpedient to Legislate, Vote 2-1. Senator D'Allesandro for the committee.

MOTION TO TABLE

Senator D'Allesandro moved to have HB 1537 laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

The following Senators voted Yes: Gallus, Kenney, Roberge, Bragdon, Gottesman, Clegg, Gatsas, Barnes, Letourneau, D'Allesandro, Estabrook, Downing.

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

Yeas: 12 - Nays: 12

Motion failed.

Senator Gottesman moved the question.

Without objection, Senator Larsen moved to close debate.

The question is on the adoption of the committee report of Inexpedient to Legislate.

MOTION TO TABLE

Senator Gatsas moved to have HB 1537 laid on the table.

The question is on the motion to table.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Bragdon, Gottesman, Foster, Clegg, Gatsas, Barnes, Letourneau, D'Allesandro, Estabrook, Downing.

The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Larsen, DeVries, Hassan, Fuller Clark.

Yeas: 12 - Nays: 12

Motion failed.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A roll call was requested by Senator Gatsas.

Seconded by Senator Gallus.

The following Senators voted Yes: Bragdon, Gottesman, Foster, Clegg, Gatsas, Barnes, Letourneau, D'Allesandro, Estabrook, Downing.

The following Senators voted No: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Larsen, DeVries, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Motion failed.

MOTION OF RECONSIDERATION

Senator Gallus, having voted with the prevailing side, moved reconsideration of **HB 1537**, whereby the motion of Inexpedient to Legislate failed.

A division vote was requested.

Yeas: 16 - Nays: 8

Adopted.

HB 1537, relative to the definition of milk.

MOTION TO TABLE

Senator Gallus moved to have **HB 1537** laid on the table.

A division vote was requested.

Yeas: 12 - Nays: 12

Motion failed.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A roll call was requested by Senator Gallus.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Bragdon, Gottesman, Clegg, Gatsas, Barnes, Letourneau, D'Allesandro, Downing.

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

Yeas: 10 - Nays: 14

Motion failed.

Senator Burling moved Ought to Pass.

A roll call was requested by Senator Gallus.

Seconded by Senator Barnes.

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

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

Yeas: 15 - Nays: 9

Adopted.

Ordered to Third Reading.

HB 1648-FN, relative to search and rescue response expenses of the fish and game department. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass, Vote 3-0. Senator Janeway for the committee.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Gallus, Dist. 1

Sen. Janeway, Dist. 7

May 6, 2008

2008-1706s

10/05

Floor Amendment to HB 1648-FN

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

AN ACT relative to search and rescue response expenses of the fish and game department and relative to appropriating additional funding for certain fish and game programs.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 8:

4 Operating Budget; Fish and Game Department; Hatchery Overtime. Amend 2007, 262:1, PAU 03-01-03-01-02 as follows:

		Fiscal Year 2008	Fiscal Year
2009			
Strike out:	18 Overtime	\$121,552	\$55,000
Insert:	18 Overtime	\$121,552	\$121,552

5 Operating Budget; Fish and Game Department; Law Enforcement Overtime. Amend 2007, 262:1, PAU 03-01-05-01 as follows:

		Fiscal Year 2008	Fiscal Year
2009			
Strike out:	18 Overtime	\$72,500	\$59,000
Insert:	18 Overtime	\$72,500	\$74,560

6 Operating Budget; Fish and Game Department; Fleet Management. Amend 2007, 262:1, PAU 03-01-01-03-04 as follows:

		Fiscal Year 2008	Fiscal Year
2009			
Strike out:	20 Current Expenses G	\$314,700	\$33,300
Insert:	20 Current Expenses G	\$314,700	\$65,891

7 Authority Granted; Supplemental Appropriation to Fish and Game Department. The legislative budget assistant is authorized to adjust the totals in 2007, 262:1 and the source of funds therefor as required by sections 4-6 of this act.

2008-1706s

AMENDED ANALYSIS

This bill allows the fish and game department to recover the cost of search and rescue responses from persons who negligently require search and rescue services. The department is authorized to suspend the driver's license and other licenses of a person failing to pay.

This bill also provides additional funding to the fish and game department for hatchery overtime, law enforcement overtime, and fleet maintenance for fiscal year 2009.

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 Floor Amendment (1706) on HB 1648-FN.

Senator Kenney is in opposition to HB 1648-FN as amended.

Senator Janeway is excused for the rest of the evening.

SPECIAL ORDER

Senator Larsen moved that, without objection, HB 1640-FN be considered presently.

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Clegg for the committee.

Senate Judiciary

May 1, 2008

2008-1644s

04/09

Amendment to HB 1640-FN

Amend RSA 651-B:1, VIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) RSA 169-B:41, II; RSA 632-A:3, II; RSA 632-A:4, I(a), RSA 632-A:4, I(b), RSA 632-A:4, III, RSA 644:9, I(a), RSA 644:9, III-a, a second or subsequent offense within a 5-year period for indecent exposure and lewdness, RSA 645:1, I(a), or RSA 645:1, I(b).

Amend RSA 651-B:1, IX(a) as inserted by section 1 of the bill by replacing it with the following:

(a) RSA 632-A:3, I; RSA 632-A:3, IV; RSA 633:2; RSA 633:3; RSA 639:3, III; RSA 645:1, II; RSA 645:1, III; RSA 645:2; RSA 649-A:3; RSA 649-B:3; RSA 649-B:4; or RSA 650:2.

Amend section 3 of the bill by inserting after the amending language the following:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

Amend RSA 651-B:3, III as inserted by section 3 of the bill by replacing it with the following:

III. Semi-annually, the department shall verify, ***in person***, the address at which the offender resides ***or*** by sending a letter by certified non-forwarding mail to the offender. The address verification shall ~~be sent to the offender~~ ***occur*** prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person ~~[on a semi-annual basis]~~. The offender shall sign the ***address verification*** ~~[letter]~~ and return it to ***the officer, if the address verification was made in person, or to*** the department ***via certified mail*** within 10 business days of receipt. ~~[If the offender's mailing address is to a post office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.]~~

Amend RSA 651-B:4, IV(b) as inserted by section 4 of the bill by replacing it with the following:

(b) A DNA sample, if such sample has not already been provided or exists in the federal Combined DNA Index System.

Amend RSA 651-B:6, II as inserted by section 4 of the bill by replacing it with the following:

II. All tier I offenders shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register.

Amend RSA 651-B:6, III(a)(3) as inserted by section 4 of the bill by replacing it with the following:

(3) A tier I offender may petition the superior court to have his or her name and other information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 5 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition if the offender has not been convicted of any felony, class A misdemeanor,

sexual offense, or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court.

Amend RSA 651-B:7 as inserted by section 4 of the bill by deleting subparagraph III(a)(9).

Amend RSA 651-B:7, VI(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Any individual required to be registered whose name and information is contained on the public list described in paragraph III and who is required to register as a result of any violation or attempted violation of RSA 632-A:3, II in effect prior to January 1, 2007, or RSA 632-A:2, III if the acts constituting the pattern were in violation of RSA 632-A:3, II in effect prior to January 1, 2007, provided that the age difference between the individual required to register and the victim was 3 years or less at the time of the offense and the person has no prior adjudications requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 5 years after the date of release. After review of the application, the court may schedule a hearing. Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

Amend the bill by replacing section 5 with the following:

5 Registration of Criminal Offenders. Amend RSA 651-B:9, IV to read as follows:

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, ~~VII(a)(3) or (4)~~ **XI(a)(3) or (4)**. The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

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

8 Sexual Assault and Related Offenses; Definitions. Amend RSA 632-A:1, IV-V to read as follows:

IV. "Sexual contact" means the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including **emissions, tongue, anus**, breasts, and buttocks. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.

V.(a) "Sexual penetration" means:

~~(a)~~ **(1)** Sexual intercourse; or

~~(b)~~ **(2)** Cunnilingus; or

~~(c)~~ **(3)** Fellatio; or

~~(d)~~ **(4)** Anal intercourse; or

~~(e)~~ **(5)** Any intrusion, however slight, of any part of the actor's body, **including emissions**, or any object manipulated by the actor into genital or anal openings of the victim's body; or

~~[(f)]~~ **(6)** Any intrusion, however slight, of any part of the victim's body, **including emissions, or any object manipulated by the victim** into **the oral**, genital, or anal openings of the actor's body; **or**

~~[(g)]~~ **(7)** Any act which forces, coerces, or intimidates the victim to perform any sexual penetration as defined in subparagraphs ~~[(a)-(f)]~~ **(1)-(6)** on the actor, on another person, or on himself.

~~[(h)]~~ **(b) Emissions include semen, urine, and feces.** Emission is not required as an element of any form of sexual penetration.

(c) "Objects" include animals as defined in RSA 644:8, II.

9 Offenses Against the Family; Incest. Amend RSA 639:2, I to read as follows:

I. A person is guilty of a class B felony if he **or she** marries or ~~[has sexual intercourse]~~ **engages in sexual penetration as defined in RSA 632-A:1, V**, or lives together with, under the representation of being married, a person **18 years or older** whom he **or she** knows to be his **or her** ancestor, descendant, brother, or sister, of the whole or half blood, or an uncle, aunt, nephew, or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

10 Effective Date. This act shall take effect January 1, 2009.
2008-1644s

AMENDED ANALYSIS

This bill:

I. Creates a tier system for classification of sexual offenders and offenders against children and revises the type of information which must be collected, the duration of registration, the verification of sex offender registry information, public access to such information, and penalties for failure to register.

II. Revises the definitions of "sexual contact" and "sexual penetration" for the purposes of sexual assault crimes.

III. Amends the elements of the crime of incest.

IV. Is a request of the study committee formed pursuant to 2006, 327:26 (HB 1692-FN).

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Foster, Dist. 13

Sen. Gottesman, Dist. 12

Sen. Reynolds, Dist. 2

Sen. Clegg, Dist. 14

Sen. Letourneau, Dist. 19

May 8, 2008

2008-1770s

04/10

Floor Amendment to HB 1640-FN

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 12:

10 License Suspension and Revocation. Amend the section heading in RSA 263:56-a to read as follows:

263:56-a Suspension or Revocation for Default, ***Noncompliance***, or Nonpayment of Fine.

11 New Subparagraph; License Suspension and Revocation. Amend RSA 263:56-a, I by inserting after subparagraph (d) the following new subparagraph:

(e) Is a sexual offender as defined in RSA 651-B:1, III, and fails to comply with the registration requirements under RSA 651-B, and where the failure to comply persists for more than 30 days, the defendant's driver's license or resident or nonresident driving privileges shall be suspended or revoked by the director under this section, provided, that the department shall first notify the defendant in person, or by first class mail, return receipt requested, sent to the defendant's home address of record, that the defendant's driving privileges will be suspended or revoked if the defendant fails to comply with the registration requirements within 15 days of the department's notice of noncompliance.

Floor amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Foster, Dist. 13

Sen. Gottesman, Dist. 12

Sen. Reynolds, Dist. 2

Sen. Clegg, Dist. 14

Sen. Letourneau, Dist. 19

May 8, 2008

2008-1794s

04/05

Floor Amendment to HB 1640-FN

Amend RSA 651-B:1, VIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) RSA 632-A:4, I(a); RSA 632-A:4, I(b); RSA 632-A:4, III; RSA 644:9, I(a); RSA 644:9, III-a, a second or subsequent offense within a 5-year period for indecent exposure and lewdness, RSA 645:1, I(a); or RSA 645:1, I(b).

Amend RSA 651-B:1, IX(a) as inserted by section 1 of the bill by replacing it with the following:

(a) RSA 169-B:41, II; RSA 632-A:3, I; RSA 632-A:3, II; RSA 632-A:3, IV; RSA 633:2; RSA 633:3; RSA 639:3, III; RSA 645:1, II; RSA 645:1, III; RSA 645:2; RSA 649-A:3; RSA 649-B:3; RSA 649-B:4; or RSA 650:2.

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

9 Felonious Sexual Assault. Amend RSA 632-A:3, II to read as follows:

II. Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is [3] 4 years or more; or

2008-1794s

AMENDED ANALYSIS

This bill:

I. Creates a tier system for classification of sexual offenders and offenders against children and revises the type of information which must be collected, the duration of registration, the verification of sex offender registry information, public access to such information, and penalties for failure to register.

II. Revises the definitions of “sexual contact” and “sexual penetration” for the purposes of sexual assault crimes.

III. Amends the elements of the crime of incest.

IV. Changes the age difference required between the actor and the victim in certain cases of felonious sexual assault from 3 years to 4 years.

V. Is a request of the study committee formed pursuant to 2006, 327:26 (HB 1692-FN).

Floor amendment adopted.

Senator Kenney offered a floor amendment.

Sen. Kenney, Dist. 3

May 8, 2008

2008-1778s

04/09

Floor Amendment to HB 1640-FN

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 New Section; Registration of Criminal Offenders; Special Restrictions on Offenders Against Children. Amend RSA 651-B by inserting after section 12 the following new section:

651-B:13 Special Restrictions on Offenders Against Children. No person who is required to be registered as an offender against children for a violation of RSA 632-A:3, III or RSA 632-A:2, II, shall, for the duration of his or her registration requirement, participate in or be a spectator at any public activity or event organized principally for the participation of children under 13 years of age. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

2008-1778s

AMENDED ANALYSIS

This bill:

I. Creates a tier system for classification of sexual offenders and offenders against children and revises the type of information which must be collected, the duration of registration, the verification of sex offender registry information, public access to such information, and penalties for failure to register.

II. Revises the definitions of “sexual contact” and “sexual penetration” for the purposes of sexual assault crimes.

III. Amends the elements of the crime of incest.

IV. Prohibits any person who is required to be registered as an offender against children from participating in or being a spectator at any activity or event organized principally for the participation of children under 13 years of age.

V. Is a request of the study committee formed pursuant to 2006, 327:26 (HB 1692-FN).

Floor amendment adopted.

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

Adopted.

Ordered to Third Reading.

Senator Barnes is in opposition to the Committee Amendment (1644) on HB 1640-FN.

Senator Barnes is in favor of Floor Amendments (1770, 1794, 1778) on HB 1640-FN.

Senator Barnes is in opposition to HB 1640-FN as amended.

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.

MOTION TO TABLE

Senator Foster moved to have HB 1133 laid on the table.

Adopted.

LAID ON THE TABLE

HB 1133, relative to the age of majority for purposes of pornography-related offenses.

Senator Barnes is in opposition to the motion to table HB 1133.

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.

MOTION TO TABLE

Senator Foster moved to have HB 1613-FN laid on the table.

Adopted.

LAID ON THE TABLE

HB 1613-FN, making changes to certain statutes relating to crimes against children.

Senator Barnes is in opposition to the motion to table HB 1613-FN.

HB 1290-L, establishing a committee to study insurance coverage and related issues for children required to do community service. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

Adopted.

Ordered to Third Reading.

HB 1488, establishing a committee to study the feasibility of establishing pro se law libraries. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Clegg for the committee.

Senate Judiciary

April 30, 2008

2008-1615s

09/01

Amendment to HB 1488

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

I. The members of the committee shall be 3 members 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 first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HB 1596-FN-L, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Sen. Foster, Dist. 13

April 29, 2008

2008-1579s

09/01

Amendment to HB 1596-FN-LOCAL

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

AN ACT relative to fees charged by the motor vehicle division.

Amend the bill by replacing section 4 with the following:

4 Driver's License Fees; Certified Copies. Amend RSA 263:42, II and III to read as follows:

II. For every certified copy of a registration, license, or driving record, \$10, except that the commissioner shall waive the fee for local, state, and federal law enforcement and criminal justice agencies requesting such information for investigative purposes and may, for good cause, waive the fee in cases involving other government agencies or the public defender if the commissioner determines that such a waiver is in the public interest.

Amend the bill by deleting sections 5-7 and renumbering the original section 8 to read as 5.
2008-1579s

AMENDED ANALYSIS

This bill changes certain motor vehicle fees and permits the commissioner of safety to waive the fee for certified copies of registrations, licenses, and driving records under certain circumstances.

Amendment adopted.

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

Adopted.

Ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 352-FN, relative to shoreland protection.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 352-FN, relative to shoreland protection.

Senator Fuller Clark moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 386, relative to service territories served by several telephone utilities.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 386, relative to service territories served by several telephone utilities.

Senator Fuller Clark moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fuller Clark, Hassan, Odell

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 310, allowing municipalities to regulate small wind energy systems.

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state.

HB 331, relative to time limits on design review.

HB 432-FN, relative to certain on-premises beverage and liquor licenses.

HB 436, expanding employee freedom of expression to all public employees.

HB 837, relative to easement interests under the land and community heritage investment program.

HB 1171, establishing a commission to study air quality issues in public school buildings.

HB 1206, relative to park and ride facilities.

HB 1207, relative to standards for highway and bridge construction.

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee.

HB 1237, establishing a committee to study liquor advertising by the liquor commission.

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

HB 1290-L, establishing a committee to study insurance coverage and related issues for children required to do community service.

HB 1376, relative to insurance penalties.

HB 1395-FN, establishing the AIDS drug assistance program fund and relative to the membership of the health services planning and review board.

HB 1405-FN, regulating outdoor wood-fired hydronic heaters.

HB 1408-L, relative to the right-to-know law.

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.

HB 1466, relative to the inventory fund in the department of safety and relative to the costs and production of number plates.

HB 1484, establishing a commission to study retail health clinics.

HB 1488, establishing a committee to study the feasibility of establishing pro se law libraries.

HB 1493, relative to the commission to study the state highway trust fund.

HB 1516-FN, relative to the divestiture of New Hampshire retirement assets relating to Sudan.

HB 1521-L, relative to Franklin Highway in the town of Andover.

HB 1537, relative to the definition of milk.

HB 1596-FN-L, relative to fees charged by the motor vehicle division and drivers' license suspension or revocation for failure to register as a sexual offender.

HB 1632, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire.

HB 1636, relative to automotive recycling.

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

HB 1647-FN-A, relative to demand response program revenue.

HB 1648-FN, relative to search and rescue response expenses of the fish and game department.

HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process.

ANNOUNCEMENTS

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.