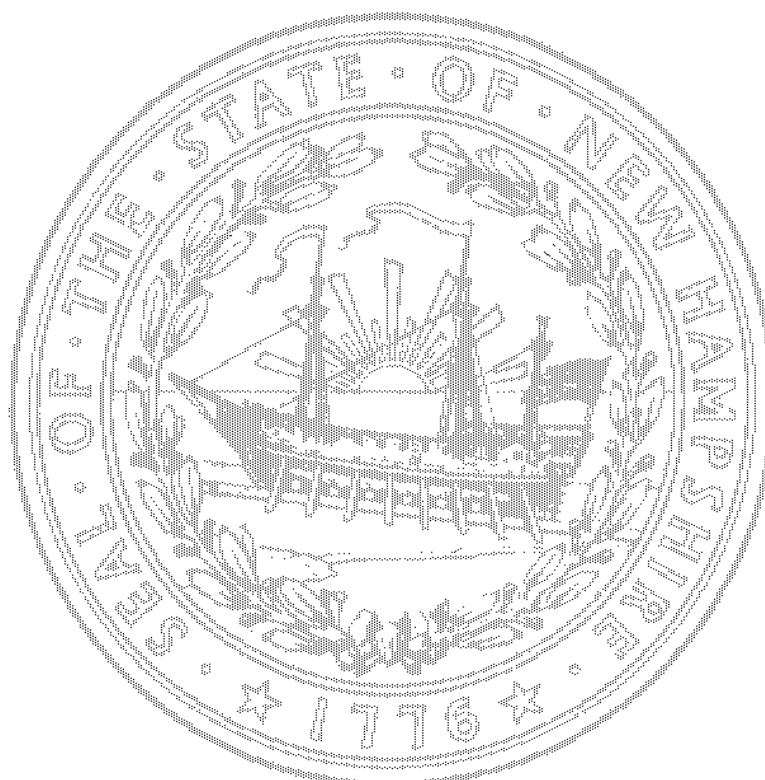


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Legislative

SENATE JOURNAL

ADJOURNMENT – MAY 21, 2008 SESSION
COMMENCEMENT – JUNE 4, 2008 SESSION

SENATE

JOURNAL 19 (continued)

May 21, 2008

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 65, relative to the Pease development authority.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: FRANKLIN, HEADD, LEISHMAN & SCHMIDT

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 65, relative to the Pease development authority.

Senator Burling moved to accede to the request for a Committee of Conference.

Adopted.

Senator Gottesman, Rule 42 on HB 65.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: FULLER CLARK, BURLING, KENNEY

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 310, allowing municipalities to regulate small wind energy systems.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: WILLIAM CHASE, FARGO, JOHN THOMAS & BUTTERWORTH

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 310, allowing municipalities to regulate small wind energy systems.

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: HASSAN, SGAMBATI, ROBERGE

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 358, relative to the procedure for listing candidates on election ballots.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CLEMONS, PIERCE, JASPER & BOUTIN

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 358, relative to the procedure for listing candidates on election ballots.

Senator Burling moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: BURLING, CILLEY, KENNEY

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 359-FN, relative to recovery of medical assistance from an estate.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: LASKY, WEBER, SORG & NORDGREN

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 359-FN, relative to recovery of medical assistance from an estate.

Senator Estabrook moved to accede to the request for a Committee of Conference.

Adopted.

Senator Foster, Rule 42 on HB 359-FN.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: SGAMBATI, D'ALLESANDRO, ODELL

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled Bill sent down from Senate:

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BERGIN, MACK, NEDEAU & PACKARD

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: BURLING, DEVRIES, LETOURNEAU

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1174, relative to condominium association meetings.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: REARDON, WINTERS, MCEACHERN & HUNT

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1174, relative to condominium association meetings.

Senator Gottesman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: REYNOLDS, CILLEY, ROBERGE

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: KIDDER, HENSON, KENNEDY & FLETCHER

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements.

Senator Burling moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: BURLING, HASSAN, GALLUS

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1236, relative to motor vehicle laws.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: ROBERT WILLIAMS, PACKARD, NEDEAU & JENNIFER BROWN

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1236, relative to motor vehicle laws.

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: LETOURNEAU, DEVRIES, KELLY

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: REARDON, DESTEFANO, HUNT & BUTLER

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Gottesman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: DEVRIES, CILLEY, GATSAS

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1242, relative to the prohibition on employee consumption of beverage or liquor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: HOLDEN, GOLEY, SALLY KELLY & LASKY

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1242, relative to the prohibition on employee consumption of beverage or liquor.

Senator Gottesman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: GOTTESMAN, HASSAN, GALLUS

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1260-L, relative to growth management ordinances.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: THEBERGE, PATTEN, COONEY & STOHL

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1260-L, relative to growth management ordinances.

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: DEVRIES, HASSAN, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: HAWKINS, PILOTTE, FRANCIS SULLIVAN & HATCH

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Odell moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: REYNOLDS, D'ALLESANDRO, DOWNING

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BUTTERWORTH, PEARSON, SRNEC & BECK

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: DEVRIES, SGAMBATI, ROBERGE

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1405-FN, regulating outdoor wood-fired hydronic heaters.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: WILLIAM CHASE, FRIEDRICH, DEVINE & FARGO

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1405-FN, regulating outdoor wood-fired hydronic heaters.

Senator Fuller Clark moved to accede to the request for a Committee of Conference.

Adopted.

Senator Foster, Rule 42 on HB 1405-FN.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: FULLER CLARK, HASSAN, ODELL

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: THEBERGE, PATTEN, STOHL & COONEY

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings.

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: DEVRIES, HASSAN, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BENNETT MOORE, BUTTERWORTH, GAGNON & PRICE

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

Senator Burling moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: ESTABROOK, KELLY, BARNES

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1468, relative to mosquito control policy for lands managed by the fish and game department.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: ABBOTT, SKINDER, BRENDON BROWNE & L'HEUREUX

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1468, relative to mosquito control policy for lands managed by the fish and game department.

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: HASSAN, SGAMBATI, BARNES

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1471, relative to time limits for excavating and dredging permits.
and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: TUPPER, SPANG, KAPPLER & HAEFNER

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1471, relative to time limits for excavating and dredging permits.

Senator Fuller Clark moved to accede to the request for 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, FOSTER, BARNES

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MARSH, HAWKINS, HATCH & FRANCIS SULLIVAN

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

Senator Odell moved to accede to the request for a Committee of Conference.

Adopted.

Senator Gatsas, Rule 42 on HB 1509-FN-A.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: ODELL, D'ALLESANDRO, JANEWAY

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: ANDREW PETERSON, SIMON, BOYCE & GAGNON

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Hassan moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: HASSAN, DEVRIES, BARNES

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1578-FN, relative to insurance fraud.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: REARDON, DONALD FLANDERS, BUTLER & DESTEFANO

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1578-FN, relative to insurance fraud.

Senator Gottesman moved to accede to the request for a Committee of Conference.

Adopted.

Senator Kelly, Rule 42 on HB 1578-FN.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: GOTTESMAN, DEVRIES, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: SHATTUCK, VACHON, BURTON WILLIAMS & SNOW

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees.

Senator Fuller Clark moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: HASSAN, JANEWAY, GALLUS

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: ROSENWALD, JOY TILTON, BATULA & EVALYN MERRICK

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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

Senator Estabrook moved to accede to the request for 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, ESTABROOK, GALLUS

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1628, relative to renewable energy generation incentive programs.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: KAE LIN, BORDEN, INTRONE & FRIEDRICH

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1628, relative to renewable energy generation incentive programs.

Senator Fuller Clark moved to accede to the request for 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, CILLEY, BARNES

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1637, relative to reports to the cancer registry.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BRIDGHAM, CHARLES MCMAHON, DALER & CASE

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1637, relative to reports to the cancer registry.

Senator Estabrook moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: CILLEY, FULLER CLARK, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: THOLL, WILLIAM KNOWLES, WELCH & CHARRON

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

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.

Senator Foster moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: FOSTER, LETOURNEAU, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CASEY, BARBARA SHAW, STILES & WEYLER

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.

Senator Estabrook moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: FOSTER, BURLING, ODELL

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: IRWIN, MARJORIE SMITH, HAWKINS, PATRICIA MCMAHON & KURK

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

Senator Burling moved to accede to the request for a Committee of Conference.

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.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: BURLING, D'ALLESANDRO, DOWNING
ALTERNATES: JANEWAY, FULLER CLARK, CLEGG

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1646, relative to the 10-year transportation improvement plan.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CAMPBELL, CHANDLER, DANIEL EATON & FOOSE

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1646, relative to the 10-year transportation improvement plan.

Senator Letourneau moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: HASSAN, SGAMBATI, ODELL
ALTERNATE: BURLING

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 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 537, establishing a task force on homeless teenagers.

HB 563, relative to obtaining certificates of stillbirth for stillborn children.

HB 679-FN-L, relative to delivery of special education services.

HB 690, authorizing the commissioner of the department of employment security to adjust the discount rate and relative to auditable basis policies.

HB 766-FN, making changes to the laws relating to special education.

HB 877-FN, relative to the state recycling program.

HB 1143, relative to shelter for dogs and the authority of law enforcement officers to take abused and neglected dogs into custody.

HB 1161, establishing a committee to study the truancy laws.

HB 1171, establishing a commission to study air quality issues in public school buildings.

HB 1179, including certain nonprofit organizations under the right-to-know law and including a reference in a section of the right-to-know law.

HB 1196, relative to the procedure for amending municipal charters and relative to referendum procedures for public water supplies.

HB 1202, relative to monitoring privately owned water distribution programs and defining “eligible regional water system costs” for public water systems.

HB 1226, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department, and relative to applying municipal budget law to municipalities adopting, revising, or amending a charter by official ballot town meeting or town council.

HB 1262, relative to continuing medical education requirements for persons licensed by the board of medicine, and requiring a report by the board on the audit of the board of medicine.

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

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

HB 1282, amending the pre-engineering technology curriculum.

HB 1299, establishing a committee to study the feasibility of creating a preschool incentive fund program.

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

HB 1309-FN-A, relative to the definition of "cigarette".

HB 1311, relative to impaired driver intervention programs.

HB 1318, relative to delivery of applications for certificates of title by dealers.

HB 1319, relative to the reasonable cost of medical support for dependent children.

HB 1330, relative to the process for nonrenewal of teacher contracts.

HB 1333, relative to post-foreclosure eviction actions.

HB 1340, relative to the special account of the judicial retirement system, and requiring the board of trustees of the judicial retirement plan to study and report on the inclusion of service of certain district court judges.

HB 1345, establishing a commission to study vehicle dealer licenses, dealer plates, and temporary plates and relative to notification of the Lyme town and budget committee meetings.

HB 1352, relative to the comprehensive state development plan.

HB 1374, relative to the homeland security and emergency management responsibilities of the department of safety and the use of interpreters in court-authorized wiretaps.

HB 1386, relative to a grandparent's rights to access court and case records involving a grandchild in child abuse and neglect cases.

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles.

HB 1422, establishing a commission on the prevention of childhood obesity.

HB 1426-FN-A, relative to motor fuel import fees.

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks.

HB 1434, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions.

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.

HB 1478, relative to the quorum for meetings of the equalization standards board, and relative to removal of a member of the assessing standards board or equalization standards board for absences.

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 1520-FN, allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system.

HB 1532, relative to obstruction of parking places for persons with walking disability.

HB 1561, establishing an energy efficiency and sustainable energy board.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs.

HB 1579-FN, 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.

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

HB 1596-FN-L, relative to fees charged by the motor vehicle division.

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.

HB 1632, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire.

HB 1638, establishing an oversight commission on motor vehicle fines.

HCR 10, urging communities to conduct handicap parking awareness days and urging the state of New Hampshire to declare October as Handicap Parking Awareness Month.

HOUSE MESSAGE

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

HB 683, relative to nominations by party committees.

HB 1551-FN, relative to fees for special number plates for veterans.

HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 374, relative to the process for nonrenewal of teacher contracts.

SB 473, naming the Prisoners of War/Missing in Action Memorial in Hesky Park in the town of Meredith.

SB 508-FN-L, relative to municipal deposits.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 32-FN, increasing the maximum amount of debt or damages for small claims actions.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: LASKY, BAXLEY, ROWE & PHILIP PRESTON

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 84, establishing procedural requirements to improve implementation of the 10-year highway plan.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BOUCHARD, CAMPBELL, JAMES WEBBER & GRAHAM

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 94, relative to the office of information technology.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: ESTES, ERIC ANDERSON, PILOTTE & HEADD

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 212-FN, relative to the regulation of home inspectors.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MILLHAM, PILOTTE, DON PETTERSON & HAWKINS

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 264, relative to creating liens on personal and real property to recover uncollected small claims judgments.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: WALL, GARY RICHARDSON, SORG & SHURTLEFF

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 310-FN, relative to changes to games of chance.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MARSH, HATCH, HAWKINS & FRANCIS SULLIVAN

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 317-FN, relative to the retail sale of tobacco products.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BUTYNSKI, CARL ROBERTSON, JOHN KELLEY & MULHOLLAND

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MARJORIE SMITH, DANIEL EATON, FOSTER & KURK

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 327-FN, relative to compensation for state employees injured in the line of duty.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BENN, BEAUCHESNE, DON PETTERSON & RUSSELL DAY

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 341, prohibiting digital advertising devices on certain highways.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CAMPBELL, SPRAGUE, JAMES WEBBER & RAUSCH

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 363, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BERGIN, RYAN, PACKARD & CUNNINGHAM

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 370, relative to emergency powers of the supreme court.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: LUCY WEBER, SHURTLEFF, MOONEY & LASKY

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 384, relative to the repair of septic systems prior to the sale of waterfront property.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: GOTTLING, KEPNER, AHLGREN & HUBBARD

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 386, relative to service territories served by several telephone utilities.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: LEVESQUE, KAEIN, HARVEY & JAMES GARRITY

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: DAVID RUSSELL, PARKHURST, MACK & HATCH

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 429, relative to driver education courses in other states.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: PACKARD, RYAN, CUNNINGHAM & JENNIFER BROWN

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 433, relative to confidential communications between a physician and a patient.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: THOLL, STEVENS, WELCH & WILLIAM KNOWLES

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 482, relative to ethical standards for volunteer service in the executive branch.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: MICHAEL ROLLO, HAGER, LEE HAMMOND & DOKMO

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 484, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: PANTELAKOS, BURRIDGE, LEE HAMMOND & CHARRON

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: RYAN, PACKARD, JENNIFER BROWN & DAVIS

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 492, relative to persons designated to fill vacancies on the ballot.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CLEMONS, PIERCE, JASPER & BOUTIN

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 495-FN, prohibiting Internet solicitation and exploitation of children.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: STEVENS, WILLIAM KNOWLES, THOLL & WELCH

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 507-FN, relative to extended terms of imprisonment for criminal street gang members.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: WELCH, WILLIAM KNOWLES, THOLL & LEE HAMMOND

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 516-FN-L, relative to aid for county bridges.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: CLOUTIER, CAROLE BROWN, SPRAGUE & FRANKLIN TILTON

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 522-FN, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: GRAHAM, CLOUTIER, MANN & DAVIS

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: DANIEL SULLIVAN, PILOTTE, CARL ROBERTSON & MANNEY

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 530-FN-A-L, relative to kindergarten aid.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: LEISHMAN, JUDITH DAY, KIMBERLY SHAW & GOULD

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 531, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: BOUCHARD, CAMPBELL, LASKY & HACKEL

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 533, establishing a committee to study age-based driver's license renewal testing.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: RYAN, PACKARD, NEDEAU & ESTES

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 536-FN, reclassifying certain positions in the insurance department.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: PILOTTE, REAGAN, SCHMIDT & MILLHAM

CONFEREE CHANGES

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

CONFEREE CHANGE: SENATOR FOSTER REPLACED SENATOR ODELL
CONFEREE CHANGE: SENATOR BURLING REPLACED SENATOR FOSTER

SB 530-FN-A-L, relative to kindergarten aid.

CONFEREE CHANGE: SENATOR LARSEN REPLACED SENATOR D'ALLESANDRO
CONFEREE CHANGE: SENATOR HASSAN REPLACED SENATOR ESTABROOK

HB 1242, relative to the prohibition on employee consumption of beverage or liquor.

CONFEREE CHANGE: SENATOR DEVRIES REPLACED SENATOR GOTTESMAN
CONFEREE CHANGE: SENATOR HASSAN (NOW THE FIRST NAMED)

HB 1471, relative to time limits for excavating and dredging permits.

CONFEREE CHANGE: SENATOR SGAMBATI REPLACED SENATOR FOSTER

HB 1637, relative to reports to the cancer registry.

CONFEREE CHANGE: SENATOR DEVRIES REPLACED SENATOR CILLEY

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

CONFEREE CHANGE: SENATOR JANEWAY (NOW A FULL MEMBER)

May 15, 2008
2008-1931-EBA
06/09

Enrolled Bill Amendment to HB 1246

The Committee on Enrolled Bills to which was referred HB 1246

AN ACT relative to insurance policy denial provisions.

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 1246

This enrolled bill amendment makes a technical correction and nullifies 2008, 18:14 (section 14 of HB 385) which conflicts with section 2 of this bill and amends text which will be obsolete if this bill becomes law.

Enrolled Bill Amendment to HB 1246

Amend RSA 412:5, I as inserted by section 4 of the bill by replacing line 11 with the following:

encourages misrepresentation of such policy. A filing shall be deemed to meet the requirements

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

8 Nullification. 2008, 18:14 (section 14 of HB 385), which amends RSA 405:44-a relative to consultants; producer license required, is hereby nullified.

Adopted.

**May 20, 2008
2008-1953-EBA
03/01**

Enrolled Bill Amendment to HB 1603-FN-A

The Committee on Enrolled Bills to which was referred HB 1603-FN-A

AN ACT establishing a penalty for payment of a state obligation with an invalid form of payment.

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 1603-FN-A

This enrolled bill amendment inserts a contingency to avoid a conflict with HB 1533.

Enrolled Bill Amendment to HB 1603-FN-A

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

4 Contingency. If HB 1533 of the 2008 regular legislative session becomes law, section 1 of this act shall not take effect and sections 2 and 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 1533. If HB 1533 of the 2008 regular legislative session does not become law, sections 1-3 of this act shall take effect 60 days after its passage.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

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

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 702, relative to continued jurisdiction in child protection cases.

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

HB 858-FN, relative to discount medical plan organizations.

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

HB 1487, establishing a committee to study practice by advanced dental hygiene practitioners and ways to increase access to oral health care.

HB 1610-FN, relative to motor carriers.

SB 318-FN, establishing a commission to study the creation of an animal care worker classification.

SB 410, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.

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 159, establishing an interbranch criminal and juvenile justice council.

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

HB 1370, establishing a pilot program for an integrated juvenile justice information sharing system.

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

SB 352-FN, relative to shoreland protection.

SB 395, establishing a commission to review New Hampshire's statutes on human immunodeficiency virus education, prevention, and control.

SB 459, establishing an advanced manufacturing education advisory council.

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 267, relative to certain small loans.

HB 436, expanding employee freedom of expression to all public employees.

HB 1136, relative to automated external defibrillators.

HB 1145, designating the Senator Otto Oleson Scenic Overlook in Jefferson.

HB 1203, relative to bicycles.

HB 1206, relative to park and ride facilities.

HB 1244, relative to auditable basis policies.

HB 1270, relative to limiting certain future interests in real property.

HB 1289, relative to court-ordered placements for a child in need of services and relative to permanency hearings in juvenile cases.

HB 1301, relative to the definition of service dogs.

HB 1304, authorizing Plymouth state university to award doctoral degrees.

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

HB 1321, relative to the inspection of juvenile detention facilities.

HB 1343, prohibiting the placing on file or masking of convictions incurred by holders of commercial driver licenses or persons required to hold such licenses.

HB 1353, extending the commission to study issues relative to groundwater withdrawal.

HB 1394-FN, relative to procedures for approvals of nursing education programs.

HB 1404-FN, relative to liability insurance for passenger rail service.

HB 1424, relative to notice of meetings of county conventions.

HB 1441-L, relative to use of the terms "selectwoman" and "selectperson."

HB 1453, relative to civil liability for damage to protective barriers.

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

HB 1632, relative to continuing the commission to study the production and distribution of biodiesel in New Hampshire.

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

HB 1634, establishing the New Hampshire council on autism spectrum disorders.

HB 1635-FN, relative to permits for motor vehicle salvage facilities and motor vehicle crushers.

HB 1644-FN-A, establishing a Coos county job creation tax credit.

HB 1651, allowing municipalities in Coos county to offer property tax exemptions to foster commercial and industrial construction.

SB 117-FN, relative to fireworks display permits and the position of permissible fireworks inspector.

SB 372, relative to membership of the heating system certification advisory committee.

SB 440, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession.

SB 487, clarifying the law regarding bail pending appeal.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 328, relative to civil forfeitures for certain waste disposal violations.

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal.

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

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 1246, relative to insurance policy denial provisions.

HB 1345, establishing a commission to study vehicle dealer licenses, dealer plates, and temporary plates and relative to notification of the Lyme town and budget committee meetings.

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

HB 1412, establishing a commission to study appointing or contracting with a fleet manager for state-owned motor vehicles.

HB 1422, establishing a commission on the prevention of childhood obesity.

HB1484, establishing a commission to study retail health clinics.

HB 1488, establishing a committee to study the feasibility of establishing pro se law libraries.

HB 1492, relative to prescriptions under the controlled drug act.

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

SB 90-FN, relative to the penalty for impersonating a law enforcement officer.

SB 496, establishing a commission to study incentives for providers of home and community-based care.

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 331, relative to time limits on design review.

HB 1196, relative to the procedure for amending municipal charters and relative to referendum procedures for public water supplies.

HB 1309-FN-A, relative to the definition of "cigarette".

HB 1318, relative to delivery of applications for certificates of title by dealers.

HB 1436, relative to requiring inclusion of an automatic continuation clause in collectively bargained agreements with public employees.

HB 1478, relative to the quorum for meetings of the equalization standards board, and relative to removal of a member of the assessing standards board or equalization standards board for absences.

HB 1520-FN, allowing service in the Peace Corps and AmeriCorps to be purchased as creditable service in the retirement system.

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

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.

SB 483, establishing a committee to study in-home intervention and counseling services for families and children charged with a crime or designated in need of services by the juvenile court.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 20

June 4, 2008

The Senate met at 1:00 p.m.

A quorum was present.

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

O Loving Creator, present in our work and our rest: Blow Your spirit upon all who toil in this chamber and provide them the perspective to celebrate their accomplishments, the commitment to live into their promises, the peace to ease their disappointments as well as the grace to forgive their opponents. And finally, bless their time in recess that it might give them refreshment and joy; guide them that they may order their lives to embrace the Sabbath, to rebuild their bodies, renew their minds, and let their souls be soothed by the goodness of your creation. In Your loving name, we pray.
Amen

Senator Hassan led the Pledge of Allegiance.

Senator Clegg is excused for the day.

INTRODUCTION OF GUESTS

Senate Page: Cassandra Marie Sweeney

Senate Page: Christopher Ellms

Kyle Boudrow and Lisa Boudrow

Phoebe Ann Neiswenter

Concord High School Girls Tennis Team

Raymond Town Manager: Christopher Rose

Dr. Lisa K. Shapiro

Senator Larsen instructed the Senate Clerk to dispense with the reading of the recommendation of the Committee of Conference Reports.

COMMITTEE OF CONFERENCE REPORTS

**May 29, 2008
2008-2074-CofC
05/01**

Committee of Conference Report on HB 65, an act relative to the Pease development authority.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Status of Authority Employees; Entitlement to State Benefits. Amend RSA 12-G:11 to read as follows:

12-G:11 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs.

I. Except for any classified employee *as provided in paragraph IV*, the authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. Except for any classified employee of the division, the employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Except for any classified employee of the division, any individual employed by the authority shall be ~~deemed~~ an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding any other provision of law, any nonclassified employee's service with the authority, including employment with the authority prior to the effective date of this paragraph, shall be credited to such employee as continuous state service for all purposes, including without limitation rate of pay, determination of seniority and years of state service, longevity pay, and annual, sick, or other forms of leave.

~~[II.]~~ ***III.*** Notwithstanding the provisions of paragraph I, any individual employed by the authority, except for any classified employee of the authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority. This paragraph shall not apply to any classified employee of the division.

~~[III.]~~ ***IV.*** The state classified positions of the port authority shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority. Any person employed in such a position at the time of such transfer or at any time subsequent thereto shall be deemed a classified employee of the division. All classified employees of the division shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state personnel system. Nothing herein shall preclude the general court from increasing or

decreasing the number of classified positions within the division.

V. Any person holding or appointed to the position of chief harbor master or deputy chief harbor master shall be a certified police officer and a group II member of the state retirement system. If such person is not a member of the state retirement system at the time of employment as chief harbor master or deputy chief harbor master, such person shall become immediately upon appointment a member of the retirement system subject to the requirements of such system then in effect.

[~~IV~~] VI. Notwithstanding any other provision of law, the authority or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority or the division, including without limitation, on a temporary basis, any responsibility, task, or duty previously or otherwise assigned to any classified employee of the division. To the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or revenues of the authority other than division revenues, such fund or other source of revenue shall be reimbursed for the cost of such wages, salary, benefits, and other expenses, including without limitation reasonable overhead expenses, from funds drawn from the fund established under RSA 12-G:37 and, to the extent authorized, from the fund established under RSA 12-G:46. The executive director of the authority, subject to the approval of the board, is authorized to determine and fix, as necessary, rates of reimbursement.

2 Pease Development Authority; Ports and Harbors Fund Nonlapsing. Amend RSA 12-G:37 to read as follows:

12-G:37 Pease Development Authority Ports and Harbors Fund.

I. For the purpose of providing a fund to be known as the Pease Development Authority Ports and Harbors Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year relating to the division, division property, a division project, or any activity of the division, except any appropriation made to the harbor dredging and pier maintenance fund in accordance with RSA 12-G:46.

II. All sums so credited are appropriated to the authority ***for the benefit of the division:***

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with division property, a division project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all division property and division projects;

(c) To pay all costs as allocated by the authority for administering and operating the division, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by

the board, the executive director, the division director, or other provision of law, including without limitation, reimbursement of the fund established under RSA 12-G:36 or any other source of revenue of the authority other than division revenues to the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or from revenues of the authority other than division revenues;

(d) To pay the principal of, and premium, if any, and the interest on any outstanding bonds of the state related to division property or division projects as the same become due and payable;

(e) *To create and maintain reserves required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to division property or division projects;*

(f) To pay all payments in lieu of taxes owed by the authority, if any, related to division property or division projects; and

~~[(f)]~~ (g) In general for the payment of all expenses incident to the management and operation of the division, ***division property, or division projects*** as are consistent with its statutory purpose and as the board may from time to time determine.

III. This fund shall constitute a continuing ***nonlapsing*** appropriation for the benefit of the ***division*** ~~[authority. Except as provided in RSA 12 G:42, XIII, all division revenues associated with operations and responsibilities assigned by the authority to the division in excess of the operating expenditures required for the activities of the division shall be deposited in the general fund until such time as any bonds authorized and issued relating to division property or division projects have been retired. After such bonds have been retired, any amount remaining to the credit of the authority in this fund at the close of any fiscal year in excess of the amounts required under paragraph II shall lapse and shall be returned to the general fund of the state].~~

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. ***Division revenues or any other revenues, other than revenues from or associated with airport property or airport projects, received and due to the authority shall be retained by the authority and shall be used for division property or division projects in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.***

VI. Notwithstanding any other provision of law, no money in the fund shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of airport property or airport projects.

3 Pease Development Authority; Division of Ports and Harbors; Authority Relative to Employment of Division Director. Amend RSA 12-G:43 to read as follows:

12-G:43 Division of Ports and Harbors.

I. There is established within the authority a division of ports and harbors ***that is subject to the direction and control of the board, the executive director, and the division director.*** The division of ports and harbors shall:

(a) Plan for the maintenance and development of the ports and state tidal waters from the head of navigation to the seaward limits within the jurisdiction of the state, in order to foster and stimulate commerce and the shipment of freight through the state's ports and, as an agency of the state, to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tidewater areas of the state; as well as to encourage the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.

(b) Aid in the development of salt water fisheries and associated industries.

(c) Cooperate with any agencies or departments of the federal government in planning the maintenance, development, and use of the state ports and state tidal waters.

(d) Plan, develop, maintain, use, and operate a heliport facility on property owned or controlled by the division. The division shall cooperate with departments, agencies, authorities, or commissions of the federal, state, or local governments and accept grants, aid, or services from such agencies in the carrying out of this purpose. Such authorization relating to heliport facilities shall include and be governed by all other provisions of this chapter.

(e) Maintain at all times a complete inventory of division property and port projects.

(f) Perform such other duties and functions relating to the administration, management, and operation of division property and division projects as are assigned to division by the authority.

II. The governor and council shall appoint a director of the division of ports and harbors who shall be qualified by education and experience and who shall hold office for a term of 5 years. Whenever an appointment of the director of the division is to be made, the board may make recommendations to the governor and submit such recommendations to the governor for the governor's consideration; however, the governor shall not be bound by such recommendations. The governor and council shall have authority to remove the director of the division as provided in RSA 4:1. The director of the division shall be the administrative officer of the division and shall have general and active supervision and direction over the day-to-day business and affairs of the division

and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

4 New Section; Report on the Division of Ports and Harbors. Amend RSA 12-G by inserting after section 43 the following new section:

12-G:43-a Report on the Division of Ports and Harbors.

I. The division director shall submit a biennial report on the status of development at the division to the governor and council, the board, the mayor and the city council in the city of Portsmouth, the selectmen in the towns of Rye, Newington, Hampton, North Hampton, New Castle, and Seabrook, the chairmen of the house and senate executive departments and administration committees, and the commissioner of the department of resources and economic development. Such report shall be submitted and made available to the public biennially beginning on June 30, 2010. The first report issued on June 30, 2010 shall be for the 2-year period ending on June 30, 2009.

II. The report shall include descriptions of:

(a) The financial status of the division, including a report on the activities of the Pease development authority ports and harbors fund and a recommendation on whether to continue the fund as a nonlapsing fund and an accounting of the activities of the division of ports and harbors revolving loan fund.

(b) Any contracts involving use of division property that have been executed in the previous 24-month period and the status and scope of all ongoing port development projects.

(c) Programs and informational meetings held to permit and encourage communication between the division and the communities it serves.

(d) Environmental reports, investigations, and permits received by, prepared by or on behalf of the division with respect to division property and activities on division property.

(e) Any proposals for the sale of division property.

5 Division of Ports and Harbors Advisory Council. Amend RSA 12-G:44, I to read as follows:

12-G:44 Division of Ports and Harbors Advisory Council.

I. There is hereby established a division of ports and harbors advisory council consisting of 8 members, 6 of whom shall be appointed by the governor, with the advice and consent of the council. ~~[At least 3]~~ **Two** of said appointive members shall be residents of the cities and towns of the seacoast region or state tidal waters ~~[and at least]~~ **that are not represented on the board**, one appointive member shall be a commercial fisherman engaged in that industry on the seacoast, and **2 appointive members shall be experienced in a maritime industry**. Each **appointive member** shall serve for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the governor and council for the unexpired term. In addition to the 6 appointive members, the commissioner of the department of resources and economic development, or designee, and the mayor of the city of Portsmouth, or designee, shall be, by virtue of their offices, members of the council.

6 Pease Development Authority; Division of Ports and Harbors; Authority Relative to Dredge Management. Amend the introductory paragraph of RSA 12-G:45 to read as follows:

12-G:45 Dredge Management in Tidal Waters. The division, subject to the supervision, **direction, and control** of the authority and in consultation with the division of ports and harbors advisory council, **the executive director, and the division director**, shall be responsible for managing harbor and channel dredging activities within state tidal waters. The division shall:

7 Pease Development Authority; Division of Ports and Harbors; Rules Relative to Pilot Qualifications. Amend RSA 12-G:47 to read as follows:

12-G:47 Pilots. The authority, in consultation with the **executive director, the** division director, and the division of ports and harbors advisory council, may adopt rules prescribing the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

8 Pease Development Authority; Division of Ports and Harbors; Clarification of Agency Management Authority. Amend RSA 12-G:50 to read as follows:

12-G:50 Duties; Chief Harbor Master; Deputy Chief Harbor Master; Harbor Masters.

I. Subject to the supervision of the authority, **the executive director**, and the division director, the chief harbor master's duties shall include but not be limited to the following:

(a) Enforcement of authority directives and rules adopted by the authority pursuant to this chapter relating to the activities and operations of the division or division property.

(b) Issuing and overseeing mooring permits and management of the mooring wait list and of the assignment and placement of moorings.

(c) Designation of anchorage areas.

(d) Management of navigation aides outside of the federal channel.

(e) Management of the movement of traffic, as necessary.

- (f) Direction of the removal or movement of vessels during emergencies.
- (g) Overseeing the dredge management program.
- (h) Overseeing the harbor management program.
- (i) Inquiring into and prosecuting all offenses occurring within the chief harbor master's jurisdiction.
- (j) Any other duties assigned by the authority or the division director.

II. Subject to the supervision of the authority, ***the executive director***, the division director, and the chief harbor master, the deputy chief harbor master's duties shall include but not be limited to the following:

- (a) Enforcement of authority directives and rules adopted pursuant to this chapter relating to the division or division property.
- (b) Performance of the duties of the chief harbor master during the absence or incapacity of the chief harbor master or when such duties are specifically delegated to the deputy chief harbor master by the authority, the division director, or the chief harbor master.
- (c) Performance of any other duties assigned by the authority, the division director, or the chief harbor master.

III. Subject to the supervision of the authority, ***the executive director***, the division director, the chief harbor master, and the deputy chief harbor master, the duties of a harbor master shall include but not be limited to the following:

- (a) Monitoring the placement and use of moorings in state tidal waters to which the harbor master has been specifically assigned by the chief harbor master or the deputy chief harbor master.
- (b) Notifying the chief harbor master or the deputy chief harbor master of any violations of any provision of RSA 12-G or any rules of the authority adopted under RSA 12-G relating to the division or division property.
- (c) Performance of any other duties assigned by the division director or the chief harbor master or the deputy chief harbor master.

IV. An assistant harbor master shall assist the chief harbor master, the deputy chief harbor master, or any harbor master as directed by the division director, the chief harbor master, or the deputy chief harbor master in the performance of the chief harbor master's, the deputy chief harbor master's, or harbor master's duties.

9 Impoundment and Forfeiture of Vessels and Moorings; Reference Change. Amend RSA 12-G:52-b, V to read as follows:

V. Upon the expiration of the 90-day period identified in paragraph III, the division director may dispose of any unredeemed vessel or mooring by destroying such vessel or mooring or by offering such vessel or mooring for sale at public auction or the division director may retain such vessel or

mooring for use by the state; provided, however, if the vessel or mooring is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien identified in paragraph I. Any money received by reason of sale of such vessel or mooring at public auction shall be deposited in the ~~[harbor management fund]~~ **Pease development authority ports and harbors fund established in RSA 12-G:37.**

10 Review of Report on Economic Development; Reference Change. Amend RSA 12-A:34 to read as follows:

12-A:34 Review of Reports Required. For the purpose of ensuring comparability of impact reports on economic development programs issued under ~~[RSAs]~~ **RSA** 4-C:6-a, **RSA** 12-A:33, ~~[12-G:30,]~~ and **RSA** 162-A:23-a, the department of resources and economic development, in consultation with the legislative budget assistant, shall periodically review such reports at least once every 5 years and make recommendations to be utilized by the agencies making such reports for an improved and consistent methodology for assessing the quantity and quality of jobs created and saved and the growth potential and environmental impacts of such programs. This section shall not apply to promotional literature.

11 New Subparagraph; Special Accounts; Pease Development Authority Ports and Harbors Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the Pease development authority ports and harbors fund established in RSA 12-G:37.

12 Repeal. The following are repealed:

I. RSA 12-G:10, relative to coordination with the department of resources and economic development.

II. RSA 12-G:30, relative to reports on economic development programs.

III. RSA 12-G:42, XIII, relative to a special account within the ports and harbors fund.

IV. RSA 12-G:46-a, relative to the harbor management fund.

V. RSA 6:12, I(b)(225), relative to the harbor management fund.

13 Effective date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 65, an act relative to the Pease development authority.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Franklin, Sull. 2

Sen. Burling, Dist. 5

Rep. Headd, Rock. 3

Sen. Kenney, Dist. 3

Rep. Leishman, Hills. 6

Rep. Schmidt, Straf. 4

2008-2074-CofC

AMENDED ANALYSIS

This bill:

I. Provides that service of non-classified employees of the authority shall be credited as continuous state service for all purposes.

II. Makes the Pease development authority fund a nonlapsing fund for the benefit of the division of ports and harbors.

III. Requires a biennial report on the division of ports and harbors.

IV. Repeals provisions relative to coordination with the department of resources and economic development, reports on economic development programs, and the harbor management fund.

Adopted.

Senator Gottesman, Rule 42 on HB 65.

May 29, 2008
2008-2064-CofC
09/04

Committee of Conference Report on HB 310, an act allowing municipalities to regulate small wind energy systems.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 674:59, I-II as inserted by section 1 of the bill by replacing them with the following:

I. Prohibiting small wind energy systems in all districts within the municipality.

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.

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 application for a building permit to construct a small wind energy system. Abutters shall be afforded a 30 day comment period prior to the issuance of a building permit. 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 application for a building permit to the local governing body.

II. The building inspector, acting as a local land use board pursuant to RSA 672:7, 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 36:57, IV as inserted by section 5 of the bill by replacing it with the following:

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 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.

The signatures below attest to the authenticity of this Report on HB 310, an act allowing municipalities to regulate small wind energy systems.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. W. Chase, Ches. 1

Sen. Sgambati, Dist. 4

Rep. Fargo, Straf. 4

Sen. Roberge, Dist. 9

Rep. J. Thomas, Belk. 4

Rep. Butterworth, Ches. 4

Adopted.

May 28, 2008
2008-2028-CofC
05/09

Committee of Conference Report on HB 359-FN, an act relative to recovery of medical assistance from an estate.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 2-6 with the following:

2 Nursing Facility Quality Assessment; Definition of Nursing Facility. Amend RSA 84-C:1, V to read as follows:

V. "Nursing facility" means:

(a) A nursing facility as defined in RSA 151-E:2, V.

(b) A facility licensed as a specialty hospital and certified to receive federal reimbursement as a nursing facility.

3 Nursing Facility Quality Assessment; Collection and Deposit of Assessment. Amend RSA 84-C:5, I to read as follows:

I. ***Except as provided in RSA 84-C:5-a***, the payments required by RSA 84-C:3 shall be made by electronic transfer of moneys to the state treasurer and deposited to the nursing facility

trust fund established by RSA 151-E:14.

4 New Section: Deposit of Certain Assessments. Amend RSA 84-C by inserting after section 5 the following new section:

84-C:5-a Collection and Deposit of Assessment. Notwithstanding the provisions of RSA 84-C:5, the payments required by RSA 84-C:3 for a nursing facility as defined in RSA 84-C:1, V(b) shall be deposited to the state general fund.

5 Nursing Facility Quality Assessment; Contingency. Amend RSA 84-C:11, I(d) to read as follows:

(d) Any proceeds ***collected from nursing facilities as defined in RSA 84-C:1, V(a)***, from the nursing facility quality assessment established in this chapter are expended by the state or any state agency for any purpose other than funding nursing facility expenditures through the nursing facility trust fund under RSA 151-E:14.

6 Nursing Facility Trust Fund Established. Amend RSA 151-E:14 to read as follows:

151-E:14 Nursing Facility Trust Fund Established. There is hereby established the nursing facility trust fund for the receipts from ***nursing facilities as defined in RSA 84-C:1, V(a)***, from the nursing facility quality assessment under RSA 84-C:3, any federal financial participation received by the state as a result of expenditures funded by these nursing facility quality assessments, and the interest thereon. All of these funds shall be credited to and for the purposes of the nursing facility trust fund and shall not be used for any other purposes.

Amend RSA 84-D:5 as inserted by section 8 of the bill by replacing it with the following:

84-D:5 Collection and Deposit of Assessment. There is hereby established a nonlapsing ICF-MR separate account in the in the office of the state treasurer. All funds collected under this chapter and any federal financial participation received by the state as a result of expenditures funded by the ICF-MR quality assessments, and the interest thereon, shall be deposited in this account. Moneys from the account shall not be expended by the state or any state agency for any purpose other than funding ICF-MR expenditures as provided in RSA 151-E:15-a.

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

10 New Subparagraph; Separate Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (268) the following new subparagraph:

(269) Moneys deposited in the ICF-MR separate account established in RSA 84-D:5.

11 Applicability. The provisions of sections 2-7 of this act shall apply for the fiscal year ending June 30, 2008 and each fiscal year thereafter.

12 Effective Date.

- I. Section 1 of this act shall take effect 60 days after its passage.
- II. Sections 2-7 and section 11 of this act shall take effect upon its passage.
- III. The remainder of this act shall take effect July 1, 2008.

The signatures below attest to the authenticity of this Report on HB 359-FN, an act relative to recovery of medical assistance from an estate.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Sgambati, Dist. 4

Rep. Lasky, Hills. 26

Sen. D'Allesandro, Dist. 20

Rep. Weber, Ches. 2

Sen. Odell, Dist. 8

Rep. Sorg, Graf. 3

Rep. Nordgren, Graf. 9

2008-2028-CofC

AMENDED ANALYSIS

This bill:

I. Limits recovery of assistance to property interests created on or after July 1, 2005. It also limits recovery to the value of the interest held by the recipient of the assistance. The bill requires the department to provide written notice of the procedure for obtaining a hardship waiver and those persons who are exempt from recovery by state and federal law.

II. Expands the definition of nursing facility for purposes of collection of the nursing facility quality assessment and the assessment from certain nursing facilities.

III. Establishes the intermediate care facility for the mentally retarded (ICF-MR) quality assessment and establishes a separate account for such assessments in the office of the state treasurer.

Adopted.

Senator Foster, Rule 42 on HB 359-FN.

May 30, 2008
2008-2100-CofC

04/05

Committee of Conference Report on HB 765-FN, an act establishing a committee to study the financial liability for placement of a child with a disability.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

I. The members of the committee 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.

The signatures below attest to the authenticity of this Report on HB 765-FN, an act establishing a committee to study the financial liability for placement of a child with a disability.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Estabrook, Dist. 21

Rep. Casey, Rock. 11

Sen. Kelly, Dist. 10

Rep. Claire Clarke, Merr. 6

Sen. Bragdon, Dist. 13

Rep. S. Merrick, Coos 2

Rep. Stiles, Rock. 15

Adopted.

Senator Foster Rule 42 on HB 765-FN.

May 27, 2008

2008-1995-CofC
05/09

Committee of Conference Report on HB 781-FN, an act relative to the duties of the department of safety.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 266:78-e as inserted by section 12 of the bill by replacing it with the following:

266:78-e Other Flashing Lamps Prohibited. Only authorized emergency vehicles may be equipped with a device that provides for alternate flashing of headlamps.

Amend RSA 266:78-i as inserted by section 12 of the bill by replacing it with the following:

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

The signatures below attest to the authenticity of this Report on HB 781-FN , an act relative to the duties of the department of safety.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Burling, Dist. 5

Rep. Bergin, Hills. 6

Sen. DeVries, Dist. 18

Rep. Mack, Hills. 1

Sen. Letourneau, Dist. 19

Rep. Nedeau, Belk. 3

Rep. Packard, Rock. 3

Adopted.

May 29, 2008
2008-2051-CofC
05/10

Committee of Conference Report on HB 1174, an act relative to condominium association meetings.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1174, an act relative to condominium association meetings.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Reynolds, Dist. 2

Rep. Reardon, Merr. 11

Sen. Cilley, Dist. 6

Rep. Winters, Hills. 17

Sen. Roberge, Dist. 9

Rep. DeStefano, Merr. 13

Rep. Hunt, Ches. 7

Adopted.

May 28, 2008

2008-2003-CofC
09/01

Committee of Conference Report on HB 1220, an act establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

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

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

Amend the bill by replacing section 4 with the following:

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

The signatures below attest to the authenticity of this Report on HB 1220, an act establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Letourneau, Dist. 19

Rep. Cloutier, Sull. 4

Sen. Clegg, Dist. 14

Rep. Lerandeau, Ches. 6

Sen. DeVries, Dist. 18

Rep. Sprague, Straf. 2

Rep. F. Tilton, Belk. 4

2008-2003-CofC

AMENDED ANALYSIS

This bill establishes a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

Adopted.

May 27, 2008
2008-1980-CofC
03/04

Committee of Conference Report on HB 1227, an act clarifying when persons elected may assume certain offices.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 669:34, IV as inserted by section 2 of the bill by replacing it with the following:

IV. When a different person is declared elected following the recount, if no appeal is taken that person may take the oath of office and assume office on the sixth day following the date of the recount, provided that the oath is taken by the deadline established by RSA 42:6.

Amend RSA 669:34, VI as inserted by section 2 of the bill by replacing it with the following:

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

different person was elected to that seat. The validity of any actions taken by a person who assumes office pursuant to this section and is later removed as a result of an appeal may not be challenged on the basis that the person was subsequently removed as a result of the appeal.

The signatures below attest to the authenticity of this Report on HB 1227, an act clarifying when persons elected may assume certain offices.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Clemons, Hills. 24

Sen. Cilley, Dist. 6

Rep. Pierce, Graf. 9

Sen. Letourneau, Dist. 19

Rep. Jasper, Hills. 27

Rep. Boutin, Merr. 9

Adopted.

May 28, 2008
2008-2006-CofC
09/04

Committee of Conference Report on HB 1236, an act relative to motor vehicle laws.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1236, an act relative to motor vehicle laws.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Letourneau, Dist. 19

Rep. R. Williams, Merr. 11

Sen. DeVries, Dist. 18

Rep. Packard, Rock. 3

Sen. Kelly, Dist. 10

Rep. Nedeaau, Belk. 3

Rep. Jennifer Brown, Straf. 5

Adopted.

**May 28, 2008
2008-2037-Cofc
03/09**

Committee of Conference Report on HB 1242, an act relative to the prohibition on employee consumption of beverage or liquor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2009.

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

The signatures below attest to the authenticity of this Report on HB 1242, an act relative to the prohibition on employee consumption of beverage or liquor.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Holden, Hills. 7

Sen. DeVries, Dist. 18

Rep. Goley, Hills. 8

Sen. Gallus, Dist. 1

Rep. Sally Kelly, Merr. 7

Rep. Lasky, Hills. 26

Adopted.

Senators Barnes and Roberge are in opposition to the adoption of the Committee of Conference Report on HB 1242.

**May 28, 2008
2008-2034-CofC
06/09**

Committee of Conference Report on HB 1260-LOCAL, an act relative to growth management ordinances.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

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

The signatures below attest to the authenticity of this Report on HB 1260-LOCAL , an act relative to growth management ordinances.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Theberge, Coos 4

Sen. Hassan, Dist. 23

Rep. Patten, Carr. 4

Sen. Clegg, Dist. 14

Rep. Cooney, Graf. 7

Rep. Stohl, Coos 1

2008-2034-CofC

AMENDED ANALYSIS

This bill:

I. Permits municipalities to adopt growth management ordinances when time is needed to provide services.

II. Permits municipalities to place temporary moratoria on building permits and site plans when time is needed to provide services.

Adopted.

May 28, 2008
2008-2012-CofC
09/04

Committee of Conference Report on HB 1335, an act establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

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

The signatures below attest to the authenticity of this Report on HB 1335, an act establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Roberts, Ches. 3

Sen. Letourneau, Dist. 19

Rep. Howard, Rock. 12

Sen. Barnes, Dist. 17

Rep. Coughlin, Hills. 4

Rep. Baldasaro, Rock. 3

Adopted.

**May 28, 2008
2008-2036-CofC
09/03**

Committee of Conference Report on HB 1346, an act relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Junk and Scrap Metal Dealers; Inspections. Amend RSA 322:7 to read as follows:

322:7 Inspection. [~~The chief of police of a city and selectmen of a town, or~~] Any officer [~~authorized by either of them~~], **having jurisdiction** may [~~at any time~~] enter upon any premises used by a licensee for the purpose of his **or her** business, ascertain how [~~he~~] **the licensee** conducts

[his] business and examine all commodities purchased, obtained, kept, or stored in or upon said premises, and all books and inventories relating thereto. Every such licensee, his **or her** clerk, agent, [servant] or other person in charge of the premises shall exhibit to such officer on demand any or all of such commodities, books, and inventories.

Amend RSA 322:10 as inserted by section 5 of the bill by replacing it with the following:

322:10 [Badge] **Identification.** Every [person] **licensee** ~~[going about from place to place collecting said commodities named in RSA 322:1 shall also wear a badge]~~ **or employee of a licensee shall carry a photocopy of his or her license or the license of his or her employer** on [his hat or cap,] or about his **or her** person~~[-, with the number of his license thereon in brass or plated figures not less than one inch high, so placed that the number may be distinctly seen and read].~~ The [badge shall] **identification may be required to** be furnished by the [board of police commissioners or by the city clerk of cities, or by the selectmen of towns,] **licensing authority** upon payment of a suitable fee therefor.

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

9 Pawnbrokers; Inspections. Amend RSA 398:13 to read as follows:

398:13 Inspections. ~~[The chief of police of a city, the selectmen of a town, or]~~ Any officer ~~[authorized by either of them],~~ **having jurisdiction** may ~~[at any time]~~ enter upon any premises used by a licensed pawnbroker for the purposes of [his] business, ascertain how [he] **the pawnbroker** conducts his **or her** business and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his **or her** clerk, agent, servant, or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books, and inventories.

The signatures below attest to the authenticity of this Report on HB 1346, an act relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Butterworth, Ches. 4

Sen. Sgambati, Dist. 4

Rep. Foster, Hills. 4

Sen. Roberge, Dist. 9

Rep. Srnec, Straf. 3

Rep. Beck, Hills. 2

Adopted.

**May 29, 2008
2008-2067-CofC
01/09**

Committee of Conference Report on HB 1405-FN, an act regulating outdoor wood-fired hydronic heaters.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I of section 1 of the bill by replacing it with the following:

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 can cause 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 may 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.

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

125-R:2 Unit Requirements.

I. Effective January 1, 2009, no person shall sell, offer for sale, 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, offer for sale, 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.

Amend RSA 125-R:3, III as inserted by section 2 of the bill by replacing it with the following:

III. 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 abutting residence 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.

Amend RSA 125-R:7 as inserted by section 2 of the bill by replacing it with the following:

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 that are more restrictive than RSA 125-R:3, 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.

The signatures below attest to the authenticity of this Report on HB 1405-FN, an act regulating outdoor wood-fired hydronic heaters.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. W. Chase, Ches. 1

Sen. Hassan, Dist. 23

Rep. N. Kaen, Straf. 7

Sen. Odell, Dist. 8

Rep. Devine, Rock. 7

Rep. Fargo, Straf. 4

Adopted.

Senator Foster, Rule 42 on HB 1405-FN.

Senators Barnes, Gallus and Letourneau are in opposition to the adoption of the Committee of Conference Report on HB 1405-FN.

**May 29, 2008
2008-2040-CofC
10/04**

Committee of Conference Report on HB 1442-FN-A-LOCAL, an act relative to the taxation of farm buildings and land under farm buildings.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 79-F:3, V as inserted by section 1 of the bill by replacing it with the following:

V. "Land under and curtilage of the qualifying farm structure" means only the land immediately under the footprint of the qualifying farm structure and its appurtenances.

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

4 Appraisal of Taxable Property. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, ***residential rental property subject to a housing***

covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 New Section; Residential Property Subject to Housing Covenant. Amend RSA 75 by inserting after section 1 the following new section:

75:1-a Residential Property Subject to Housing Covenant Under the Low-income Housing Tax Credit Program. The appraisal for property tax purposes on multifamily residential rental property which has been allocated federal low-income housing tax credits under section 42 of the Internal Revenue Code and which is subject to a recorded housing subsidy covenant that restricts tenant eligibility and rents shall, upon the affirmative request of the taxpayer, be determined under this section. A copy of the recorded land use restriction required by section 42 of the Internal Revenue Code or other low income rental use restriction covenant required by the New Hampshire housing finance authority, is sufficient proof of an allocation of federal low-income housing tax credits.

I. To make an election for an appraisal of property subject to a housing covenant under the low-income housing tax credit program, the taxpayer shall, by October 1 preceding the tax year for which the election is sought, provide written notice to the municipality of the taxpayer's election to be assessed under this section, using a form prepared by the department of revenue administration.

II. When an election is made, the property shall be assessed under this section for the next 10 tax years, provided the property remains subject to the housing covenant under the low-income housing tax credit program. A property subject to assessment under this section shall not be granted property tax exemption under RSA 72:23.

III. A taxpayer who makes an election under this section shall, by April 15 of each applicable tax year, provide the assessor with the relevant information described in this section, using a form prepared by the department of revenue administration.

IV. Financial information that is required from the taxpayer under this section shall be the audited financial statements from the prior calendar year as prepared by a third-party certified public accountant.

V. A taxpayer making an election under this section shall be liable for taxes on the property in an amount that is the greater of:

- (a) The taxes determined using the income approach under this section; or
- (b) The taxes in an amount equal to 10 percent of the actual rental income and other income.

VI. The assessed value shall be calculated using an income approach whereby the net operating income is divided by the overall capitalization rate and, except when the municipality has

updated its assessment values to equate to market values, multiplying that value by the previous year's equalization ratio.

VII. The assessed valuation of residential rental property subject to a housing covenant under the low-income housing tax credit program shall not take into consideration the value of intangible assets including, but not limited to, government subsidies or grants, below market rate mortgage financing, and tax credits where such subsidies are used to offset project development expenses in order to allow for restricted rents. The assessed valuation shall not take into consideration the actual cost of acquisition or construction of the project.

VIII. In this section:

(a) "Capitalization rate" means an overall capitalization rate comprised of:

(1) A market capitalization rate that is typical for the geographic area in which the property is located, as determined annually by March 31 by the commissioner of revenue administration, and as published by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a; and

(2) The municipality's previous year's equalized tax rate.

(b) "Collection loss" means the amount of actual uncollectible rents.

(c) "Net operating income" shall be calculated by subtracting from the potential gross income:

(1) The vacancy loss;

(2) The collection loss; and

(3) The operating expenses.

(d) "Operating expenses" means the actual ordinary and typical yearly expenses that are necessary to keep the property functional, including deposits to restricted reserve accounts required by the housing subsidy covenant or other legal restriction but excluding property taxes, mortgage debt service, and depreciation, incurred with respect to the property. Expenses for capital improvements, meaning improvements with an expected life exceeding 5 years as compared to yearly maintenance or work performed for unit turnover, shall not be considered operating expenses.

(e) "Other income" means income that is attributable to the real estate and is ordinary and recurring, such as laundry or vending income. Interest on restricted reserve funds shall be considered other income. For properties with nonresidential space that is or can be rented as commercial space to third parties, market rent, considering any legal, market, or covenant restrictions, shall be attributed to such space and shall be considered as other income. Common area space within a property that are used primarily to benefit the property's residents or to provide services to the property's residents shall not be separately assessed and no income shall be imputed to such space.

(f) "Potential gross income" shall be calculated as follows:

(1) For units receiving assistance under a project-based rental subsidy contract, using the rents specified in the contract.

(2) For all other units subject to a legal restriction, using the maximum restricted rents allowed by the legal restrictions governing the rents of the units for the geographic area in which the property is located. Where multiple legal restrictions apply, the most restrictive shall be used. Maximum restricted rents shall be adjusted as appropriate using utility allowances for the geographic area in which the property is located, and as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

(3) For all non-restricted units in properties where only a portion of the units are subject to a legal restriction, using non-restricted rents as determined by the local market.

(4) Other income shall be included in potential gross income.

(g) "Restricted reserve funds" means funds that are required by the housing covenant under the low-income housing tax credit program and are restricted to specific uses, which shall be treated as follows:

(1) Actual payments into such funds shall be considered an operating expense; and

(2) Actual interest earned on such funds shall be considered other income.

(h) "Vacancy loss" means a deduction from the potential gross income that is calculated by multiplying the potential gross income for the rental units by the rental market vacancy rate for the geographic area in which the property is located, as provided by the New Hampshire housing finance authority pursuant to RSA 204-C:8-a.

6 New Section; Housing Finance Authority; Publication Required. Amend RSA 204-C by inserting after section 8 the following new section:

204-C:8-a Publication Required. The authority shall publish annually such information on maximum restricted rents, utility allowances, vacancy rates, and capitalization rates as necessary to appraise property pursuant to RSA 75:1-a.

7 New Paragraph; Duties of the Commissioner of Revenue Administration. Amend RSA 21-J:3 by inserting after paragraph XXVIII the following new paragraph:

XXIX. The commissioner shall compile and make available annually by July 1 to municipalities and to the assessing standards board a report on residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, including the following:

(a) A determination of which municipalities have properties that are participating in the program;

(b) The number of properties within each municipality participating in the program;

(c) The assessed value of the properties prior to the effective date of RSA 75:1-a; and

(d) The assessed value of the properties under RSA 75:1-a.

8 New Subparagraph; Rulemaking; Assessing Standards Board; Low-Income Housing Tax Credit Program. Amend RSA 21-J:14-b, I-a by inserting after subparagraph (c) the following new subparagraph:

(d) The method of calculation and procedures to be used beginning July 1, 2010 to determine the amount of the residential property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a. Such rules may include consideration of whether or not subsidies used to develop the properties, including tax credits, grants, and below-rate financing, should be included in the assessment determination.

9 Prospective Version; Residential Property Subject to Housing Covenant Under the Low-income Housing Tax Credit Program. RSA 75:1-a is repealed and reenacted to read as follows:

75:1-a Residential Property Subject to Housing Covenant Under the Low-income Housing Tax Credit Program. The appraisal for property tax purposes on multifamily residential rental property which has been allocated federal low-income housing tax credits under section 42 of the Internal Revenue Code and which is subject to a recorded housing subsidy covenant that restricts tenant eligibility and rents shall, upon the affirmative request of the taxpayer, be determined according to rules adopted by the assessing standards board pursuant to RSA 21-J:14-b, I-a(d). Provided, however, that a taxpayer who made an election under this section on or before October 1, 2009, shall be assessed using the assessment determination method in effect at the time of the taxpayer's election for the remainder of the 10-year election. A taxpayer making an election under rules adopted by the assessing standards board shall be liable for taxes on the property in an amount that is the greater of the taxes determined using the income approach under the rules adopted by the assessing standards board or the taxes in an amount equal to 10 percent of the actual rental income and other income. A copy of the recorded land use restriction required by section 42 of the Internal Revenue Code or other low income rental use restriction covenant required by the New Hampshire housing finance authority, is sufficient proof of an allocation of federal low-income housing tax credits. A property subject to assessment under this section shall not be granted property tax exemption under RSA 72:23.

10 Contingent Effective Date. Section 9 of this act, amending RSA 75:1-a, shall take effect on July 1, 2010 only if the assessing standards board adopts rules under RSA 541-A prior to July 1, 2010 for the procedures and method of calculation to be used to determine the amount of the residential property subject to a housing covenant under the low-income housing tax credit program, as required by RSA 21-J:14-b, I-a(d). The director of legislative services shall certify the adoption of such rules and the effective date of the amendment to RSA 75:1-a by section 9 of this act to the secretary of state.

11 Effective Date.

I. Sections 5 - 8 of this act shall take effect July 1, 2008.

II. Section 9 of this act shall take effect as provided in section 10 of this act.

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

The signatures below attest to the authenticity of this Report on HB 1442-FN-A-LOCAL, an act relative to the taxation of farm buildings and land under farm buildings.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Theberge, Coos 4

Sen. Hassan, Dist. 23

Rep. Patten, Carr. 4

Sen. Clegg, Dist. 14

Rep. Stohl, Coos 1

Rep. Cooney, Graf. 7

Adopted.

**May 28, 2008
2008-1978-CofC
04/05**

Committee of Conference Report on HB 1446, an act relative to changes to the school building aid statutes and to the schoolhouses statutes.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1446, an act relative to changes to the school building aid statutes and to the schoolhouses statutes.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Estabrook, Dist. 21

Rep. Bennett Moore, Rock. 15

Sen. Kelly, Dist. 10

Rep. Butterworth, Ches. 4

Sen. Barnes, Dist. 17

Rep. Gagnon, Sull. 4

Rep. Price, Hills. 26

Adopted.

**May 27, 2008
2008-1986-CofC
10/03**

Committee of Conference Report on HB 1468, an act relative to mosquito control policy for lands managed by the fish and game department.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

The signatures below attest to the authenticity of this Report on HB 1468, an act relative to mosquito control policy for lands managed by the fish and game department.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Abbott, Rock. 12

Sen. Sgambati, Dist. 4

Rep. Greco, Merr. 7

Sen. Barnes, Dist. 17

Rep. B. Browne, Straf. 4

Rep. L'Heureux, Hills. 19

Adopted.

**May 30, 2008
2008-2083-CofC
08/03**

Committee of Conference Report on HB 1471, an act relative to time limits for excavating and dredging permits.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 482-A:3, XIV(a)(2) as inserted by section 1 of the bill by replacing it with the following:

~~[(b)]~~ **(2)** Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. *Such request and technical comments may be sent by electronic means if the applicant or authorized agent has indicated an agreement to accept communications by electronic means, either by so indicating on the application or by a signed statement from the applicant or authorized agent that communicating by electronic means is acceptable.* Any request for additional information *under this subparagraph* shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within ~~[120]~~ **60** days of the request, the department shall deny the application. *The department may grant an extension of this 60 day time period upon request of the applicant.*

Amend RSA 482-A:3, XIV(e) as inserted by section 1 of the bill by replacing it with the following:

(e) *Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be*

deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, relocates the proposed footprint of the permitted fill or dredge area, includes a prime wetland or surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging. This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the department.

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

(c) A plan that will ensure capacity for disposal of New Hampshire waste.

The signatures below attest to the authenticity of this Report on HB 1471, an act relative to time limits for excavating and dredging permits.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Tupper, Merr. 6

Sen. Sgambati, Dist. 4

Rep. Spang, Straf. 7

Sen. Barnes, Dist. 17

Rep. Kappler, Rock. 2

Rep. Haefner, Hills. 27

Adopted.

**May 27, 2008
2008-1976-CofC
08/10**

Committee of Conference Report on HB 1502-FN, an act relative to disposal of used needles.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend subparagraph I(e) of section 3 of the bill by replacing it with the following:

(e) A representative of the National Solid Wastes Management Association, appointed by such organization.

The signatures below attest to the authenticity of this Report on HB 1502-FN , an act relative to disposal of used needles.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Sgambati, Dist. 4

Rep. Beaulieu, Hills. 17

Sen. Fuller Clark, Dist. 24

Rep. Sad, Ches. 02

Sen. Gallus, Dist. 1

Rep. Knox, Carr. 4

Rep. Dingman, Graf. 5

Adopted.

**May 29, 2008
2008-2071-CofC
08/09**

Committee of Conference Report on HB 1509-FN-A, an act establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 287-D:3, V as inserted by section 1 of the bill by replacing it with the following:

V. No single wager by a player, on any game of chance, shall exceed the amount of [~~\$2~~] \$4.

The signatures below attest to the authenticity of this Report on HB 1509-FN-A, an act establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Odell, Dist. 8

Rep. Marsh, Rock. 17

Sen. D'Allesandro, Dist. 20

Rep. Davis, Merr. 7

Sen. Janeway, Dist. 7

Rep. Hatch, Coos 3

Rep. F. Sullivan, Hills. 12

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

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

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

Yeas: 16 - Nays: 7

Adopted.

Senator Gatsas, Rule 42 on HB 1509-FN-A.

May 28, 2008
2008-2038-CofC
06/09

Committee of Conference Report on HB 1573-FN-LOCAL, an act relative to hazardous and dilapidated buildings.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1573-FN-LOCAL , an act relative to hazardous and dilapidated buildings.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. A. Peterson, Hills. 3

Sen. DeVries, Dist. 18

Rep. Davis, Merr. 7

Sen. Barnes, Dist. 17

Rep. Boyce, Belk. 5

Rep. Foster, Hills. 4

Adopted.

May 28, 2008
2008-2033-CofC
08/04

Committee of Conference Report on HB 1594-FN, an act relative to hazardous materials reporting requirements and establishing fees for hazardous materials facilities and employees.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire and to study the organizational structure of the regional hazardous response teams and their relationship to the state fire marshal's office.

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

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

Amend section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. A study of the organizational structure of the regional hazardous response teams and their relationship to the state fire marshal's office.

The signatures below attest to the authenticity of this Report on HB 1594-FN, an act relative to hazardous materials reporting requirements and establishing fees for hazardous materials facilities and employees.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Shattuck, Hills. 1

Sen. Janeway, Dist. 7

Rep. Vachon, Straf. 3

Sen. Gallus, Dist. 1

Rep. B. Williams, Graf. 8

Rep. Snow, Rock. 1

Adopted.

**May 27, 2008
2008-2097-CofC
01/09**

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

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Statement of Intent. The general court hereby finds and declares that:

I. There are critical shortages of primary care providers in New Hampshire, and these shortages are projected to increase.

II. New Hampshire does not have a pro-active, statewide organization responsible for measuring, planning, and developing an adequate primary care workforce.

III. Disparities and inequities in the financing of primary care services nationally and in New Hampshire inhibit the development of an optimal primary care workforce.

IV. The state needs to take advantage of new models of primary care delivery that improve the efficiency and the capacity of the health care system.

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

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

- (1) Link rural health and human service providers with state and federal resources.
- (2) Seek long-term solutions to the challenges of rural health.
- (3) Increase access to health care in rural and underserved areas of the state.

(4) Improve recruitment and retention of health professionals in rural areas.

(5) Provide technical assistance and coordination to rural communities and health organizations.

(6) Maintain a clearing house for collecting and disseminating information on rural health care issues and innovative approaches to the delivery of health care in rural areas.

(7) Coordinate rural health interests and activities.

(8) Participate in strengthening state, local, and federal partnerships.

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

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

3 Commission Established. There is established a commission to recommend policies and programs related to increasing the number of New Hampshire individuals in health professions servicing New Hampshire's rural and underserved areas with a focus on primary care.

4 Membership and Compensation.

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

(a) One member 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) The dean, or designee, from a public health science school, appointed by the president of the institution.

(d) The dean, or designee, from a private health science school, appointed by the president of the institution.

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

(f) A representative of the New Hampshire Dental Society, appointed by the society.

(g) A representative of the New Hampshire Mental Health Coalition, appointed by the coalition.

(h) Three representatives from the state's rural health care facilities, including 2 practitioners and one administrator, appointed by the governor.

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

5 Duties.

I. The commission's study shall include, but not be limited to, a recommendation of policies and programs related to increasing the number of New Hampshire citizens in health professions

serving New Hampshire's rural and underserved areas with a focus on primary care. The commission shall also:

(a) Suggest a sustainable model to pro-actively measure, plan, and develop the state's primary care workforce.

(b) Suggest incentives and programs to recruit and retain primary care providers in New Hampshire.

(c) Recommend models of private and public partnerships that will enable the development of "grow our own" and health career pipeline programs and will build effective relationships with state and regional health care professional schools to increase the numbers of New Hampshire students who are admitted.

(d) Recommend models for financing and delivery of primary care services that improve efficiency and health outcomes.

II. The commission may solicit information from any person or entity the commission deems relevant to its study.

6 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 house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

7 Report. The commission shall make an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, the house health, human services and elderly affairs committee, and the senate health and human services committee, and the oversight committee on health and human services on or before November 1, 2008 and a final report on or before November 1, 2009.

8 Effective Date.

I. Section 2 of this act shall take effect January 1, 2009.

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

The signatures below attest to the authenticity of this Report on HB 1615-FN-A, an act establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Rosenwald, Hills. 22

Sen. Estabrook, Dist. 21

Rep. J. Tilton, Merr. 6

Sen. Gallus, Dist. 1

Rep. Batula, Hills. 19

Rep. MacKay, Merr. 11

2008-2097-CofC

AMENDED ANALYSIS

This bill establishes the state office of rural health (SORH) in the department of health and human services. This bill also establishes a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

Adopted.

May 29, 2008
2008-2053-CofC
06/09

Committee of Conference Report on HB 1628, an act relative to renewable energy generation incentive programs.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Renewable Energy Incentive Payments. Amend RSA 362-F:10 by inserting after paragraph IV the following new paragraphs:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation

facility, that would qualify as a Class I or Class II source of electricity, has a total peak generation capacity of less than 5 kilowatts, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, to the extent funding is available, up to a maximum aggregate payment of 10 percent of the fund per year.

VII. The commission shall, after notice and hearing, by order or rule establish an application process for the incentive payment program established under paragraph V. The application process shall include verification of costs for parts and labor, certification that the equipment used meets the applicable safety standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or similar safety rating agency, and that the facility meets local zoning regulations, and receives any required inspections.

VIII. The commission may, after notice and hearing, by order or rule, establish additional incentive or rebate programs for customer-sited thermal and renewable energy projects.

IX. After December 31, 2010, for good cause the commission may, by rule, modify the program created by RSA 362-F:10, V.

Amend the bill by deleting section 2 and renumbering the original sections 3-6 to read as 2-5, respectively.

The signatures below attest to the authenticity of this Report on HB 1628, an act relative to renewable energy generation incentive programs.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Kaelin, Hills. 4

Sen. Cilley, Dist. 6

Rep. Borden, Rock. 18

Sen. Barnes, Dist. 17

Rep. Introne, Rock. 3

Rep. Friedrich, Graf. 6

AMENDED ANALYSIS

This bill:

I. Authorizes the public utilities commission to make a one-time payment from the renewable energy fund to certain owners of small renewable generation facilities.

II. Increases payment rates for the renewable energy fund for the calendar year 2008.

Adopted.

Senators Roberge and Letourneau are in opposition to the adoption of the Committee of Conference Report on HB 1628.

**May 29, 2008
2008-2058-CofC
01/09**

Committee of Conference Report on HB 1637, an act relative to reports to the cancer registry.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

2 Study and Report Required. The oversight committee on health and human services, established in RSA 126-A:13, shall, in conjunction with the New Hampshire pharmacy board, study the frequency of unfilled prescriptions due to inadequate staffing in pharmacies and pharmacy closures. The oversight committee on health and human services shall make a report, together with its recommendations, to the speaker of the house of representatives, the president of the senate, the governor, the house health, human services and elderly affairs committee, and the senate health and human services committee on or before November 1, 2009.

3 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.

The signatures below attest to the authenticity of this Report on HB 1637, an act relative to reports to the cancer registry.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Bridgham, Carr. 2

Sen. Fuller Clark, Dist. 24

Rep. C. McMahon, Rock. 4

Sen. Clegg, Dist. 14

Rep. Daler, Hills. 4

Rep. Case, Rock. 1

2008-2058-CofC

AMENDED ANALYSIS

This bill requires reports to the cancer registry to include items listed in rules adopted under RSA 541-A and certain other information.

This bill also requires the oversight committee on health and human services, in conjunction with the New Hampshire pharmacy board to study the frequency of unfilled prescriptions due to inadequate staffing in pharmacies and pharmacy closures.

Adopted.

May 29, 2008
2008-2066-CofC
04/01

Committee of Conference Report on HB 1640-FN, an act relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 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.

Amend RSA 651-B:7, VI(a) as inserted by section 4 of the bill by replacing it with the following:

VI.(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 4 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 all after section 9 with the following:

10 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.

11 License Suspension and Revocation. Amend the section heading of RSA 263:56-a to read as follows:

263:56-a Suspension or Revocation for Default, ***Noncompliance***, or Nonpayment of Fine.

12 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, IV or an offender against children as defined in RSA 651-B:1, VI, 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 offender'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 attempt to notify the offender in person, or by first class mail, return receipt requested, sent to the offender's last known address, that he or she is in violation of the registration requirements and that his or her driving privileges will be suspended or revoked if he or she fails to comply with the registration requirements within 15 days of the department's attempted notice of noncompliance.

13 New Paragraph; Aggravated Felonious Sexual Assault; Blood Relationships. Amend RSA 632-A:2 by inserting after paragraph III the following new paragraph:

IV. A person is guilty of aggravated felonious sexual assault when such person ~~[marries, or lives together with, under the representation of being married,]~~ ***engages in sexual penetration as defined in RSA 632-A:1, V with*** another person under 18 years of age whom such person knows to be his or her ancestor, descendant, brother or sister of the whole or half blood, uncle, aunt, nephew, or niece. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

14 Sexual Assault. Amend RSA 632-A:4, I(c) to read as follows:

(c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's 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 less.

15 DNA Testing of Criminal Offenders. Amend RSA 651-C:1-7 to read as follows:

651-C:1 Definitions. In this chapter:

I. "CODIS" means the Combined DNA Index System, ~~[the FBI's national DNA identification index system]~~ ***managed by the Federal Bureau of Investigation.***

II. "Department" means the department of safety.

III. "Division" means the division of state police, department of safety.

IV. "DNA" means deoxyribonucleic acid.

V. "DNA record" means the DNA identification information stored in ~~[the state DNA database or]~~ CODIS for the purpose of generating investigative leads ~~[or supporting statistical interpretation of DNA test results]~~. The DNA record is the objective form of the DNA analysis test and may include numerical representation of DNA fragment lengths, ~~[digital images of autoradiographs]~~ discrete allele assignment numbers, and similar characteristics obtained from a DNA sample which are of value in establishing the identity of individuals. A DNA record may not specify the presence, absence, or alteration of any gene or chromosome.

VI. "DNA sample" means a blood, tissue, hair follicle, or other biological sample provided by any person or submitted to the division pursuant to this subdivision for analysis or storage or both.

VII. "FBI" means the Federal Bureau of Investigation.

VIII.(a) "Sexual offender" means ~~[a person who has been convicted of any violation of:~~

~~(1) RSA 632 A:2, RSA 632 A:3, or RSA 632 A:4; or~~

~~(2) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (1).~~

~~(b) "Sexual offender" also means a juvenile who has been found delinquent because of actions which, if the juvenile were an adult, would be crimes under RSA 632 A:2, 632 A:3, or 632 A:4. In the case of a juvenile offender, a DNA sample shall be provided prior to the juvenile's eighteenth birthday, or in the case of a person sentenced under RSA 169 B:4, prior to such person's nineteenth birthday]~~ ***a sexual offender as defined in RSA 651-B:1, IV.***

IX. ~~["Violent crime" means a capital, first degree, or second degree murder, attempted murder, manslaughter, first degree assault, second degree assault, felony arson, kidnapping, robbery, felony burglary, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute]~~
"Offender against children" means an offender against children as defined in RSA 651-B:1,

VI.

X “Covered offender” means:

(a) A person who has been convicted of or found not guilty by reason of insanity for any violation of, or any attempt, conspiracy, as an accomplice to, or a solicitation to commit:

(1) Any felony offense under RSA 158, explosives and explosive substances; RSA 159, pistols and revolvers; RSA 173-B, protection of persons from domestic violence; violations of RSA 318-B, the controlled drug act involving manufacture, dispensing, sale, or possession with intent to sell; RSA 318-D, methamphetamine-related offenses; RSA 630, homicide; RSA 631, assault and related offenses; RSA 632-A, sexual assault and related offenses; RSA 633, interference with freedom; RSA 634, destruction of property; RSA 635, unauthorized entries; RSA 636, robbery; RSA 637:5, theft by extortion; RSA 639, offenses against the family; RSA 639-A, methamphetamine-related crimes; RSA 640, corrupt practices; RSA 641:5, tampering with witnesses and informants; RSA 642, obstructing governmental operations; RSA 644, breaches of the peace and related offenses; RSA 645, public indecency; RSA 649, sabotage prevention; RSA 649-A, child pornography; RSA 649-B, computer pornography and child exploitation prevention; RSA 650, obscene matter; RSA 650-A, felonious use of firearms; RSA 650-B, felonious use of body armor; or

(2) All offenders against children and sexual offenders; or

(3) A law of another state, territory, tribal territory, or the federal government reasonably equivalent to a violation listed in subparagraph (a)(1).

(b) “Covered offender” also means a juvenile who has been found delinquent because of actions which, if the juvenile were an adult, would be crimes as defined in subparagraph (a).

XI. “SOR” means the sex offender registry within the division of state police, department of safety.

XII. “SOR system” means the sex offender registry database.

651-C:2 DNA ***Samples Taken***; Analysis Required.

I. ***The commissioner of the department of corrections, the superintendent of a county correctional facility, the commissioner of the department of health and human services, or the commissioner of the department of safety shall identify covered offenders and shall ensure the collection of DNA samples from those offenders.*** Upon intake or prior to the release of any ***covered*** offender [~~after conviction for the commission of any offense defined in RSA 651 C:1, VIII or IX, or commission of a similar offense prohibited by federal law or the laws of another state~~], whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, [~~or prior to the release of any juvenile offender after a finding of delinquency~~] ***or as required under RSA 651-B***, such person shall have a DNA sample taken for DNA analysis to determine identification characteristics specific to the person.

II. The analysis shall be performed under the direction of the division, following procedures

in conformance with the federal "DNA Identification Act of 1994". Identifying characteristics of the resulting DNA profile shall be stored by the division in a DNA database compatible with and maintained by the CODIS system. Information in the database shall be made available only as provided in RSA 651-C:3.

III. The division shall prescribe procedures compatible with the Federal Bureau of Investigation's requirements for the CODIS program, to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and DNA records obtained pursuant to this subdivision.

IV. The division may contract with third parties for the purposes of this subdivision. Any DNA sample sent to third parties for analysis shall be coded to maintain confidentiality concerning the donor of the sample.

V. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts stated in the analysis.

VI. ***Any individual authorized to collect a DNA sample or*** a law enforcement officer may use such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of a sample.

VII. If the initial DNA sample collected from an individual is found to be deficient, a new sample shall be collected.

VIII. Any person required under this chapter to submit a DNA sample, including a juvenile offender ~~[who is required to submit a DNA sample prior to the juvenile's eighteenth birthday,]~~ who knowingly refuses to submit such sample for a period of 30 days after receiving notice from the division, the department of corrections, probation, parole, or other authorized representative of law enforcement shall be guilty of a class A misdemeanor.

IX. Any entry into the database which is found to be erroneous shall not prohibit law enforcement officials from the legitimate use of the information in the furtherance of a criminal investigation.

X. Any authorized individual ***who identifies a covered offender or who collects*** ~~[collecting]~~ a DNA sample shall be immune from civil liability, provided such person acts with reasonable care under the circumstances.

XI. In the case of a juvenile offender, a DNA sample shall be provided prior to the juvenile's eighteenth birthday, or in the case of a person sentenced under RSA 169-B:4, prior to such person's nineteenth birthday.

651-C:3 Dissemination of Information in DNA Database.

I. It shall be the duty of the division to receive DNA samples and to analyze, classify, and store the DNA records of DNA samples submitted pursuant to this subdivision, and to make such information available to federal, state, and local law enforcement officers upon request made in

furtherance of an official investigation of any criminal offense. Such law enforcement officers shall use such information only for the purposes of criminal investigations and prosecutions, or as necessary to the functions of an office of chief medical examiner. A request may be made by personal contact, mail, or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division. The information contained in the database shall not be a public record for the purposes of RSA 91-A, and shall not be available for inspection by any unauthorized individual.

I-a. The division shall enter into the SOR system and the National Sex Offender Registry information on whether or not a DNA sample has been provided by a covered offender.

II. The commissioner of the department of safety shall adopt rules under RSA 541-A to govern the methods of obtaining information from the state DNA database and CODIS and procedures for verification of the identity and authority of the requester.

III. Upon request, a copy of the request for a search shall be furnished to any person identified and charged with an offense as the result of a search of information in the database. Only when a sample or DNA record supplied by the person making the request satisfactorily matches a profile in the database shall the existence of data in the database be confirmed or identifying information from the database be disseminated.

IV. The division may create a separate statistical database comprised of DNA records of persons whose identities are unknown. Nothing in this subdivision shall prohibit the department from sharing or otherwise disseminating the information in the statistical database with law enforcement or criminal justice agencies within or without the state.

651-C:4 Unauthorized Dissemination or Use of DNA Database Information; Obtaining DNA Samples Without Authority; Penalties.

I. Any person who, without authority, disseminates information contained in the DNA database shall be guilty of a class B misdemeanor. Any person who disseminates, receives, or otherwise uses or attempts to use information in the database, knowing that such dissemination, receipt, or use is for a purpose other than as authorized by the provisions of this subdivision, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the forensic science laboratory for analysis shall be guilty of a class B felony.

II. The division may use DNA samples for forensic validation and forensic protocol development, provided that all personally identifying information shall be removed and shall not be used.

III. The department and its employees shall not be liable for the erroneous collection and entry of a DNA sample into the database where the collection and entry were made in good faith

reliance that the individual was ~~[convicted of a qualifying offense under RSA 651-C:2, I]~~ **a covered offender.**

651-C:5 Expungement of DNA Database Records Upon Reversal or Dismissal of Conviction.

I. A person whose DNA record has been included in the database pursuant to this chapter may request expungement on the grounds that the criminal conviction on which the authority for including such person's DNA record was based has been reversed or the case dismissed, provided that such person requesting expungement has no other ~~[criminal convictions]~~ **offenses** which would require inclusion of his or her record in the database. The department shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the court order reversing and dismissing the conviction.

II. The DNA record of any juvenile sexual offender shall be maintained in the database and shall not be automatically expunged from the database upon that individual's reaching the age of adulthood.

651-C:6 Cost. The court, ~~[upon conviction]~~ **at the time of a disposition that qualifies a person as a covered offender**, may order the offender to pay the cost of testing. The court shall include a statement describing the responsibility for the cost of testing in the ~~[sentencing]~~ order **that qualifies a person as a covered offender.**

651-C:7 Applicability.

I. The provisions of this chapter shall apply to ~~[those persons convicted of a violent crime]~~ **covered offenders**, as defined in RSA 651-C:1, ~~[IX]~~ **X**, on or after July 1, 2003, and to ~~[persons]~~ **covered offenders** incarcerated in a state or county correctional facility, or on probation or parole, ~~[for a violent crime as defined in RSA 651-C:1, IX,]~~ on or after July 1, 2003.

II. The provisions of this chapter shall apply to ~~[those persons convicted of a sexual offense, as defined in RSA 651-C:1, VIII, on or after August 2, 1996, and to persons incarcerated in a state or county correctional facility for a sexual offense as defined in RSA 651-C:1, VIII, on or after August 2, 1996]~~ **all covered offenders.**

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

The signatures below attest to the authenticity of this Report on HB 1640-FN, an act relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Tholl, Coos 2

Sen. Letourneau, Dist. 19

Rep. W. Knowles, Straf. 6

Sen. Clegg, Dist. 14

Rep. Welch, Rock. 8

Rep. Charron, Rock. 7

2008-2066-CofC

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. Amends the procedures for taking DNA samples from covered offenders and redefines the offenses for which a DNA sample is required.

V. Is a request of the study committee formed pursuant to 2006, 327:26 (HB 1692-FN).

Adopted.

May 30, 2008
2008-2098-CofC
03/01

Committee of Conference Report on HB 1642-FN, an act providing additional funding for charter schools for the 2009 fiscal year.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment and concur with the senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Charter School Funding; Fiscal Year Ending June 30, 2009.

I. In addition to any funds distributed to charter schools pursuant to RSA 198:42, IV and 2007, 263:92 for the fiscal year ending June 30, 2009, the Academy for Science and Design Charter School, Cocheco Arts and Technology Charter Academy, New Hampshire Equestrian Academy Charter School, Seacoast Charter School, Strong Foundations Charter School and Surry Village Charter School shall each receive a grant of \$1,168 per pupil.

II. Prior to July 1, 2008, the commissioner of the department of education shall inform the state treasurer of the amount needed to comply with the provisions of paragraph I, and the state treasurer shall provide a sum not to exceed \$503,408 from the education trust fund established in RSA 198:39 to the commissioner who shall distribute such funds pursuant to RSA 194-B:11, I(c). The amount distributed shall be calculated on a per pupil basis based on charter school pupil enrollment.

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

The signatures below attest to the authenticity of this Report on HB 1642-FN, an act providing additional funding for charter schools for the 2009 fiscal year.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Casey, Rock. 11

Sen. Burling, Dist. 5

Rep. B. Shaw, Hills. 16

Sen. Odell, Dist. 8

Rep. Stiles, Rock. 15

Rep. Weyler, Rock. 8

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Barnes.

Seconded by Senator Bragdon.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Larsen, Gatsas, Barnes, Letourneau, Downing, Hassan, Fuller Clark.

The following Senators voted No: Sgambati, Burling, DeVries, D'Allesandro, Estabrook.

Yeas: 18 - Nays: 5

Adopted.

**June 3, 2008
2008-2121-CofC
10/01**

Committee of Conference Report on HB 1645-FN-LOCAL, an act relative to administration of the New Hampshire retirement system and benefits for members.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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 paid to the member by the employer]~~ **any military differential pay**, plus the fair market value of non-cash compensation ***paid to, or on behalf of, the member*** ~~[such as]~~ **for** meals or living quarters if subject to federal income tax, ***but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary.*** 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. ~~[H] A group I member [ceases]~~ **shall cease** to be ~~[a]~~ **an active** member ~~[because of absence]~~ **if he or she is absent** 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, and 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 may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. 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]~~ ***shall cease*** to be ~~[a] an active member [because of absence]~~ ***if he or she is absent*** 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, and 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 may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. 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) To account for no longer making transfers from the special account to the state

annuity accumulation fund, 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 Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, ~~any~~ **for members who commenced service before July 1, 2009, a** member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. **For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c).** This provision shall not limit the application of supplemental allowances under RSA 100-A:41-a.

15 Administration; Board of Trustees. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of 14 trustees. **Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management.** The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with ~~business~~ **investment and/or financial** experience **as provided in this paragraph** and not be members of the system, and who shall serve for a term of 2 years and until

their successors are appointed and qualified~~[, except that]~~. ***The non-member trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations.*** The original appointment of one of the non-member trustees shall be for a term of one year. The remaining 11 members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, the New Hampshire state permanent firemen's association, and the New Hampshire Local Government Center shall each annually nominate from their members a panel of 5 persons, all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall appoint one person annually to the board, except for the panel of the Local Government Center, which shall have one person appointed every 2 years. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

16 Board of Trustees; Voting by Chairperson. 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.

17 New Sections; Subcommittees of the Board of Trustees.; Independent Investment Committee. Amend RSA 100-A by inserting after section 14 the following new sections:

100-A:14-a Subcommittees of the Board of Trustees.

I. The board of trustees shall establish subcommittees, to include but not be limited to, an audit committee.

II. Each subcommittee shall consist of members of the board of trustees. At least one

member of the audit committee shall be experienced in the field of public accounting.

III. Except as otherwise provided in this chapter, the audit committee and each subcommittee established by the board shall make its recommendations to the full board for final approval.

IV. The audit committee shall assist the board to undertake the audit and reporting requirements required by RSA 100-A:15, VI. The audit committee may establish an advisory committee to assist it in its auditing functions. The advisory committee shall consist of non-board members who are certified public accountants and others working in public accounting.

V. Subcommittee members shall be appointed by chairperson of the board of trustees.

100-A:14-b Independent Investment Committee. There is hereby established the independent investment committee.

I. The independent investment committee shall consist of not more than 5 members, 3 of whom shall be persons who are not members of the board of trustees appointed by the governor with the consent of the council, and up to 2 of whom shall be members of the board of trustees appointed by the chairperson of the board of trustees.

II. Each member of the independent investment committee shall have substantial experience in the field of institutional investment or finance, other than their experience as trustees of the New Hampshire retirement system, taking into account factors such as educational background, business experience, and professional licensure and designations.

III. As provided in RSA 100-A:15, the independent investment committee shall recommend an investment policy and investment consultants to the full board for approval. The independent investment committee shall review investment performance, choose fund managers, and make investments and deposits on behalf of the board.

18 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 the investment policy relative to those funds. The independent investment committee*** shall have full power to invest and reinvest such funds~~[—and] in accordance with the policy set by the board.~~ 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 to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22. Said trustees]~~ ***The independent investment committee*** shall have full power 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 ***in accordance with the policy set by the board.*** 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, independent 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 independent 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 independent 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 policy for the retirement system as provided in subparagraph VII(c).

I-b. Paragraph I-a shall apply to all board members, independent 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 and the independent investment committee are paramount to any other interest a trustee or independent investment committee member 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 or independent investment committee.

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.] Have the authority to hire actuarial services. The compensation for actuarial services required by the board of trustees shall be a charge upon the funds of the New Hampshire retirement system.~~

(b) Have the full power and authority to delegate to any agent providing services to the New Hampshire retirement system, within or without the state, the power and discretion to make any necessary decisions and to take any action necessary to effect decisions with the same legal effect as if performed by the board of trustees. The payment for these services shall be a charge upon the funds of the New Hampshire retirement system.

*[b] (c) Have the ~~[further]~~ authority to hire investment ~~[counsel]~~ **consultants**. The compensation for investment ~~[counsel]~~ **consultant** 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.

II-a. The independent investment committee shall:

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

~~[(d)]~~ **(b)** 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 any necessary 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 ~~[board of trustees of the New Hampshire retirement system]~~ ***independent investment committee***. The ~~[board of trustees]~~ ***independent investment committee*** shall have the power to authorize the payment of compensation to an agent or agents for ***investment*** management services.

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

III. Except as otherwise provided in this section, no trustee, ***independent investment 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, ***independent investment 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, ***independent investment 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]~~. 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 policy shall not be subject to rulemaking under RSA 541-A.***

VI. ~~[The funds of the New Hampshire retirement system shall be audited annually. The board of trustees 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. 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. The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.]~~

(a) The board of trustees shall complete, not later than 120 days after the close of each fiscal year, a comprehensive annual financial report concerning the preceding fiscal year in a manner consistent with generally accepted accounting principles. The system's comprehensive annual financial report shall be audited annually in accordance with generally accepted governmental auditing standards by a qualified independent auditor selected by the audit committee. The auditor shall present the audited financial report and resulting findings to the audit committee for its approval and acceptance by December 1 of each year unless the board of trustees for good cause shall extend such period.

(b) The audit committee may select a qualified independent auditor to conduct performance audits in accordance with generally accepted governmental auditing standards. The scope and timing of any such performance audits shall be at the discretion of the audit committee.

(c) All audits performed pursuant to subparagraphs (a) and (b) shall be filed with the governor, speaker of the house, president of the senate and commissioner of administrative services within 5 days of being issued. The cost of all audits shall be a charge upon funds available to the 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.]~~ *independent investment committee shall prepare for board review and approval a comprehensive annual investment report. The board shall approve the comprehensive annual investment report at the same time that it approves the annual financial report under paragraph VI.* 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]~~ *independent investment committee'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 expected rate of return the retirement system is attempting to earn. The expected rate of return utilized for the statement of investment objectives shall bear some reasonable relationship to the assumed rate of return set by the trustees for the biennial actuarial calculation. The retirement system's actuaries shall issue a written opinion in regard to the reasonableness of the assumed rate of return that shall address any difference between the assumed rate of return and the expected rate of return.

(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 frequent review by the investment committee and 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. The non-trustee members of the independent investment committee 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, investment, and other committees.

19 Supplemental Allowances; Single-Year COLA. Amend RSA 100-A:41-a to read as follows:

100-A:41-a Supplemental Allowances. ***The following supplemental allowances shall apply only to the state fiscal year beginning July 1, 2008:***

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 ~~a [supplemental allowance, also known as cost of living adjustments or COLAs,]~~ **cost of living adjustment, or COLA**, on the retired member's latest anniversary date. The amount of such supplemental ~~[allowances]~~ **allowance** shall be ~~[limited to from one percent to 5 percent, with increments of no less than 1/2 of one]~~ **1-1/2 percent of a member's or beneficiary's annual retirement allowance which is \$30,000 or less, or otherwise 1-1/2 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 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 allowance 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]~~.

20 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.

I. The additional supplemental allowance in this paragraph shall apply only for the fiscal year beginning July 1, 2008. Any retired member of the New Hampshire retirement system or any of its predecessor systems who has been retired for at least 12 months and whose annual retirement allowance is based on at least 15 years of service and 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. The supplemental allowance in this paragraph shall apply only for the fiscal year beginning July 1, 2008. Any retired member of the New Hampshire retirement system or any of its predecessor systems who retired prior to January 1, 1993, 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 and paragraph I, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500, paid from the respective component of the special account.

III. The supplemental allowance in this paragraph shall apply only for the fiscal years beginning July 1, 2008 up to and including the fiscal year beginning July 1, 2011. In addition to paragraphs I and II, 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 member, 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 2-person medical benefit, paid from the respective component of the special account. Provided, however that that no 2-person subsidy recipient may receive more than \$1,000 per year under this paragraph, and that once a recipient is entitled to Medicare, the additional allowance under this paragraph shall be reduced to 60 percent of the non-Medicare eligible retiree amounts.

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

V. 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. If insufficient funds exist in the special account to fund all the supplemental allowances provided for in this section and in RSA 100-A:41-a, the available funds shall be used first to fund the supplemental allowance in RSA 100-A:41-a

then to fund the supplemental allowance in paragraphs I, II, and III of this section, in that order.

21 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.

22 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) Two members of the senate, appointed by the president of the senate.

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

(d) Three persons with relevant knowledge, appointed by the governor.

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

23 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.

24 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.

25 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.

26 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.

27 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.]~~

28 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.

29 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.

30 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.

31 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.

32 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.

33 New Paragraph; Employer Contributions; Funding of Retirement Allowance. Amend RSA 100-A:16 by inserting after paragraph III the following new paragraph:

III-a. Upon the retirement of a member:

(a) The retirement system shall:

(1) Calculate average base pay of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less an 3 years;

(2) Multiply the average base pay determined in subparagraph (1) above by 125 percent.

(3) Subtract the result from subparagraph (2) from the member's average final compensation.

(b) If the calculation in subparagraph (a)(3) is greater than zero, the employer shall be assessed the cost of the excess benefit provided by multiplying the present value of the member's retirement benefit by the amount determined in subparagraph (a)(3) divided by the amount in subparagraph (a)(2).

(c) The employer shall certify to the accuracy of each member's base pay.

(d) The retirement system shall certify to the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe. Each such employer is hereby authorized to appropriate the sums necessary for payment of such assessments.

34 Application. The provisions of RSA 100-A:16, III-a as inserted by section 33 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of

such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

35 Effective Date.

I. Sections 9-12, and 14 of this act shall take effect July 1, 2009.

II. Sections 1, 33, and 34 of this act shall take effect 60 days after its passage.

III. Sections 2-4, 15, 16, and RSA 100-A:14-a as inserted by section 17 of this act, and RSA 100-A:15, I, III, IV, V, VIII, and X as inserted by section 18 of this act shall take effect July 1, 2008.

IV. RSA 100-A:14-b as inserted by section 17 of this act and RSA 100-A:15, II, II-a, VI, VII, and IX as inserted by section 18 of this act shall take effect January 1, 2009.

V. Sections 19 and 20 of this act shall take effect June 30, 2008.

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

The signatures below attest to the authenticity of this Report on HB 1645-FN-LOCAL, an act relative to administration of the New Hampshire retirement system and benefits for members.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Burling, Dist. 5

Rep. Irwin, Hills. 3

Sen. D'Allesandro, Dist. 20

Rep. M. Smith, Straf. 7

Sen. Downing, Dist. 22

Rep. Hawkins, Hills. 18

Sen. Janeway, Dist. 7

Rep. P. McMahon, Merr. 3

Sen. Fuller Clark, Dist. 24 (ALTERNATE)

Rep. Kurk, Hills. 7

Sen. Clegg, Dist. 14 (ALTERNATE)

2008-2121-CofC

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).

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Kenney.

Seconded by Senator D'Allesandro.

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

The following Senators voted No: None.

Yeas: 23 - 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.

**June 2, 2008
2008-2113-CofC
09/01**

Committee of Conference Report on HB 1646, an act relative to the 10-year transportation improvement plan.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and
That the Senate recede from its position in adopting its amendment to the bill, and
That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1646, an act relative to the 10-year transportation improvement plan.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Campbell, Hills. 24

Sen. Sgambati, Dist. 4

Rep. Chandler, Carr. 1

Sen. Foster, Dist. 13

Rep. D. Eaton, Ches. 2

Rep. Foose, Merr. 1

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference(s) to which was referred the following entitled Bill(s):

SB 94, an act relative to the office of information technology.

SB 212-FN, relative to the regulation of home inspectors.

SB 264, relative to creating liens on personal and real property to recover uncollected small claims adjustments.

SB 310-FN, relative to changes to games of chance.

SB 317-FN, relative to the retail sale of tobacco products.

May 23, 2008
2008-1964-CofC
05/04

Committee of Conference Report on SB 94, an act relative to the office of information technology.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 94, an act relative to the office of information technology.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Burling, Dist. 5

Rep. Estes, Graf. 7

Sen. Downing, Dist. 22

Rep. E. Anderson, Merr. 13

Sen. Fuller Clark, Dist. 24

Rep. Pilotte, Hills. 16

Rep. Headd, Rock. 3

Adopted.

May 28, 2008
2008-2020-CofC
10/04

Committee of Conference Report on SB 212-FN, an act relative to the regulation of home inspectors.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 310-A:190, II as inserted by section 1 of the bill by replacing it with the following:

II. A person who was actively engaged in the business of home inspection in this state as a means of his or her livelihood for at least 12 months preceding the effective date of this subdivision shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraph I(a). All applicants shall meet the requirements of subparagraphs I(b) through (e), pay an initial fee, and fulfill all other license application requirements.

The signatures below attest to the authenticity of this Report on SB 212-FN, an act relative to the regulation of home inspectors.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Cilley, Dist. 6

Rep. Millham, Belk. 5

Sen. Fuller Clark, Dist. 24

Rep. Pilotte, Hills. 16

Sen. Clegg, Dist. 14

Rep. Peterson, Rock. 10

Rep. Reagan, Rock. 1

Adopted.

**May 23, 2008
2008-1970-CofC
09/03**

Committee of Conference Report on SB 264, an act relative to creating liens on personal and real property to recover uncollected small claims adjustments.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 503:12, IV(a) as inserted by section 1 of the bill by replacing it with the following:

IV.(a) If such plaintiff fails to deliver such discharge of a satisfied small claims judgment within 30 days from receipt of a request to deliver such discharge, or if other exigent circumstances require an immediate discharge, such discharge may be issued by the court in which the judgment was rendered upon presentation of proof that the judgment has been paid in full, in the form of either a bank check, a certified check, an attorney's client funds account check which bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment.

Amend RSA 503:12, IV(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Any person who induces a court to execute a discharge in accordance with this paragraph, on the basis of information and statements known to the person to be false, shall be guilty of a class B misdemeanor.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Attachable Property; Availability of Post-Judgment Attachment. Amend RSA 511:1 to read as follows:

511:1 Attachable Property. All property, real and personal, which is liable to be taken in execution, may be attached and held as security for the judgment the plaintiff may recover. ***Such property may be attached following the entry of judgment for the plaintiff.***

The signatures below attest to the authenticity of this Report on SB 264, an act relative to creating liens on personal and real property to recover uncollected small claims adjustments.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Wall, Straf. 7

Sen. Reynolds, Dist. 2

Rep. G. Richardson, Merr. 4

Sen. Letourneau, Dist. 19

Rep. Sorg, Graf. 3

Rep. Shurtleff, Merr. 10

Adopted.

**May 30, 2008
2008-2088-CofC
08/09**

Committee of Conference Report on SB 310-FN, an act relative to changes to games of chance.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 287-D:2-b, VII-a as inserted by section 2 of the bill by replacing it with the following:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the pari-mutuel commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator or the employer of the game operator.

Amend RSA 287-D:6, IX(b)(5) as inserted by section 6 of the bill by replacing it with the following:

(5) Knowingly operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:2-b, VII-a.

Amend RSA 287-D:6, IX(c)(3) as inserted by section 6 of the bill by replacing it with the following:

(3) Purposely operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:2-b, VII-a;

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

12 Contingency. If HB 1509-FN-A of the 2008 regular legislative session becomes law, section 10 of this act shall not take effect. If HB 1509-FN-A does not become law, section 10 of this act shall take effect July 1, 2008.

13 Contingency. If HB 1302-FN of the 2008 regular legislative session becomes law, sections 1, 3, and 7 of this act shall not take effect. If HB 1302-FN does not become law sections 1, 3, and 6 of this act shall take effect July 1, 2008.

14 Effective Date.

I. Sections 1, 3, and 7 of this act shall take effect as provided in section 13 of this act.

II. Section 10 of this act shall take effect as provided in section 12 of this act.

III. Sections 12 and 13 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect July 1, 2008.

The signatures below attest to the authenticity of this Report on SB 310-FN, an act relative to changes to games of chance.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Odell, Dist. 8

Rep. Marsh, Rock. 17

Sen. D'Allesandro, Dist. 20

Rep. Hatch, Coos 3

Sen. Janeway, Dist. 7

Rep. Davis, Merr. 7

Rep. F. Sullivan, Hills. 12

Adopted.

May 28, 2008
2008-2021-CofC
03/01

Committee of Conference Report on SB 317-FN, an act relative to the retail sale of tobacco products.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 317-FN, an act relative to the retail sale of tobacco products.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Downing, Dist. 22

Rep. Butynski, Ches. 4

Sen. Reynolds, Dist. 2

Rep. C. Robertson, Rock. 13

Sen. Janeway, Dist. 7

Rep. John Kelley, Hills. 26

Rep. Davis, Merr. 7

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conferences to which was referred the following entitled Bills:

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

SB 384, relative to the repair of septic systems prior to the sale of waterfront property.

SB 386, relative to service territories served by several telephone utilities.

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands.

SB 429, relative to driver education courses in other states.

SB 433, relative to confidential communications between a physician and a patient.

June 3, 2008
2008-2132-CofC
04/09

Committee of Conference Report on SB 321, an act relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Regional Vocational Centers; Construction or Renovation. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district. ~~[Provisions]~~ **Provision** of the site, parking, and other related areas shall be the responsibility of the local community. ***Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I.*** Nothing shall prohibit the inclusion of the site and related facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b.

2 Operating Budget; Judicial Branch. Notwithstanding 2007, 262:1, the appropriations for the judicial branch shall be reduced by \$1,000,000 for the fiscal year ending June 30, 2008, and by \$1,600,000 for the fiscal year ending June 30, 2009. The reductions required by this section shall be in addition to the judicial branch's average historical lapse amount of \$1,100,000 per fiscal year. The

director of the administrative office of the courts shall submit to the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

3 Operating Budget; Legislative Branch. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2008 shall be reduced by \$1,000,000. Notwithstanding 2007, 262:1, the appropriations for the legislative branch for the fiscal year ending June 30, 2009 shall be reduced by \$500,000. The legislative budget assistant shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2008.

4 Positions Transferred from Pari-Mutuel Commission Racing Laboratory to Department of Safety Urine Testing Laboratory. Effective April 1, 2008, classified positions number 14543, 14545, and 30541 are transferred from the pari-mutuel commission racing laboratory, PAU 02-08-02, to the department of safety urine testing laboratory, PAU 02-15-04-11-02. The legislative budget assistant is authorized to adjust totals in 2007, 262 as made necessary by this section.

5 PAU 02-08-02; Pari-Mutuel Commission Racing Laboratory. Amend 2007, 262:1, PAU 02-08-02 as follows:

	Fiscal Year 2008	Fiscal Year 2009
Strike out:		
10 Personal Services – Permanent	\$280,007	\$285,196
Insert:		
10 Personal Services – Permanent	\$247,525	\$153,362
Strike out:		
60 Benefits	\$139,292	\$141,876
Insert:		
60 Benefits	\$123,603	\$78,200
Strike out:		
Total	\$639,293	\$646,993
Insert:		
Total	\$591,122	\$451,483
Estimated Source of Funds for Racing Laboratory		
Strike out:		
General Fund	\$519,575	\$528,684
Insert:		
General Fund	\$471,404	\$333,174
Strike out:		

Total	\$639,293	\$646,993
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Insert:

Total	\$591,122	\$451,483
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6 PAU 02-15-04-11-02; Department of Safety Urine Testing Laboratory. Amend 2007, 262, PAU 02-15-04-11-02 as follows:

	Fiscal Year 2008	Fiscal Year 2009
Strike out:		
10 Personal Services – Permanent	\$140,723	\$146,820
Insert:		
10 Personal Services – Permanent	\$173,205	\$278,654
Strike out:		
60 Benefits	\$73,294	\$76,722
Insert:		
60 Benefits	\$88,983	\$140,398
Strike out:		
Total	\$406,640	\$417,715
Insert:		
Total	\$454,811	\$613,225
Estimated Source of Funds for Urine Testing Laboratory		
Strike out:		
General Fund	\$406,640	\$417,715
Insert:		
General Fund	\$454,811	\$613,225
Strike out:		
Total	\$406,640	\$417,715
Insert:		
Total	\$454,811	\$613,225

7 Commission Established. There is established a commission to study funding of school building aid.

8 Membership.

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, one of whom shall be a member of the finance committee, one of whom shall be a member of the ways and means committee, and one of whom shall be a member of the public works and highways committee.

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

(c) Two at-large members, appointed by the governor.

(d) One member of the New Hampshire School Boards Association, appointed by said organization.

(e) One member of the New Hampshire School Administrators association, appointed by said organization.

(f) The commissioner of education, or designee.

(g) The treasurer, or designee.

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

9 Chairperson; Quorum. The chairperson shall be designated by the governor. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

10 Duties. The commission shall study funding for school building aid, including:

I. Appropriate funding methodology and sources for building aid, including whether building aid should be included in the state's capital plan.

II. Strategies for making it possible for all school districts to engage in necessary construction projects.

III. Standards for determining appropriate costs for state reimbursement and for cost-sharing.

11 Report. The commission shall report its findings and any recommendations 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, 2008.

12 Liquor Licenses; Discount and Credit on Sales to Licensees. Amend RSA 178:28, V to read as follows:

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. ~~[Such]~~ Discounts **for holders of off-premises retail licenses with annual wine purchases under \$350,000** shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

V-a. For the purpose of this provision, any person holding 2 or more licenses under RSA 178:18 with combined annual wine purchases under \$350,000 shall receive at least 15 percent less than the regular retail price in the liquor stores and at least 20 percent less than the regular price F.O.B. at the warehouse. All combined annual wine purchases over \$350,000 shall receive at least 10 percent less than the regular price F.O.B. at the

warehouse.

V-b. The commission, in its discretion, may adjust discounts for off-premises licensees to optimize the profitability of the commission and maintain proper controls; provided that the commission does not reduce discounts below the percentages stated in paragraphs V or V-a.

13 Default Bench Warrant Fund; Temporary Authority to Lapse. Notwithstanding the provisions of RSA 263:56-d, for the fiscal year ending June 30, 2008, the commissioner of safety shall authorize the state treasurer to lapse \$300,000 from the default bench warrant fund established in RSA 263:56-d and RSA 6:12, I(b)(37) to the general fund.

14 Operating Budget; NH Retirement System. Amend the following Treasury PAU as set forth in 2007, 262:1 as follows:

01, 10, 02

	FISCAL YEAR 2008	FISCAL YEAR 2009
93 Normal Contribution Teachers [F] *	\$30,851,332	\$32,072,981
94 Normal Contribution Police [F] *	\$12,681,862	\$13,193,479
95 Normal Contribution Firefighter [F] *	\$9,773,774	\$10,288,461
*		

The Retirement System Shall Provide Quarterly Reports To The Fiscal Committee Of The General Court By City And Town Of The Amounts Expended From This Appropriation.

15 Tobacco Tax; Rate Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [~~\$1.08~~] ***\$1.33*** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

16 Tobacco Tax; Applicability. Section 15 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the date of certification from the commissioner of the department of revenue administration that the amount of tobacco tax revenue for the period of July 1, 2008 through September 30, 2008 was below \$50,000,000, shall apply to such inventory. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J. Payment of the additional tax on said inventory shall be due 60 days from the effective date of this section,

accompanied by a form prescribed by the department of revenue administration.

17 Contingency; Reporting of Tobacco Revenue. On or before October 15, 2008, the commissioner of the department of revenue administration shall certify to the speaker of the house of representatives, the senate president, and the joint legislative fiscal committee, the amount of tobacco tax revenue received for the period of July 1, 2008 through September 30, 2008, without any material change in cigarette tax stamp inventory. If the commissioner certifies that the amount of tobacco tax revenue received for the period was below \$50,000,000, then sections 15 and 16 of this act shall take effect on the date of certification. If the commissioner certifies that the amount of tobacco tax revenue received for the period was equal to or above \$50,000,000, then sections 15 and 16 of this act shall not take effect.

18 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend 2007, 129:1 to read as follows:

129:1 Operating Budget, Department of Health and Human Services; Sources of Funds. Amend the following department of health and human services PAU as inserted by 2005, 176:1 as follows:
05, 01, 08, 04, 01

FISCAL YEAR 2007

Strike out:

90 Nursing Services*	192,870,528
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Insert in place thereof:

90 Nursing Services* ***	192,870,528
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Further amend PAU 05,01,08,04,01 by inserting at the end thereof the following:

The appropriation in class 90 for the fiscal year ending June 30, 2007 shall be non-lapsing. Any balance remaining at the end of June 30, 2007 shall be paid to nursing homes as supplemental rates no later than October 1, 2007. The supplemental rates shall be based on the current rate setting methodology. The commissioner shall file a report with the legislative fiscal committee by October 1, 2007 which details the balance carried forward from fiscal year 2007 and the amounts to be paid as supplemental rates. ***If such funds are not expended by June 30, 2009, they shall lapse to the appropriate funds.***

19 County Reimbursement of Funds; Credit. Amend RSA 167:18-a, III(b) to read as follows:

(b) The credit shall be made available as soon as possible after the start of the fiscal year. The department shall adopt county credit criteria in consultation with the county-state finance commission and in accordance with the provisions of RSA 541-A. ~~[The credit under this paragraph shall not reduce total reimbursements due under paragraph II.]~~ ***The total aggregate obligation of the counties shall be reduced by the amount of the credit.***

20 County Obligations. Amend RSA 167:18-a, IV to read as follows:

IV. Notwithstanding the procedures of paragraphs I-III of this section, no county shall be

liable for total billings in fiscal year 2009 or fiscal year 2010 in an amount which would be greater than the amount of liability projected for that fiscal year using the methodology for determining county payments in former RSA **167:18-a**, 167:18-b, and 167:18-f prior to its repeal **together with the amount of liability projected for that fiscal year using the repealed methodology for determining county payments in RSA 169-B, 169-C, and 169-D.**

21 Office of Reimbursements; Return of Funds to a County. Amend RSA 126-A:40, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to assign to the state any insurance coverage that may be available to pay for all or a portion of the services provided and to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled. ***If the state receives reimbursement for the expenses of a child under this section, the state shall return to the formerly liable county that percentage of the reimbursement equal to the percentage of expenses paid by the county for the child.***

22 Office of Reimbursements; Elimination of Notice to Counties. Amend RSA 126-A:40, II to read as follows:

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state ~~[and relevant county]~~. The state ~~[and relevant county]~~ may, within 30 days from the receipt of notice, request a hearing on the issues of the cost or appropriateness of services, or recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state ~~[and relevant county]~~.

23 Repeal. RSA 126-A:40, IV-VII, relative to county liability, are repealed.

24 Indigent Defendants; Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid ~~[by the]~~ ***from funds appropriated for*** indigent defense ~~[fund]~~ ***pursuant to this chapter.***

25 New Section; Indigent Defense; Authorization for Additional Funding. Amend RSA 604-A by inserting after section 1-a the following new section:

604-A:1-b Additional Funding. In the event that expenditures for indigent defense by the judicial council are greater than amounts appropriated in the operating budget, the judicial council may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

26 Repeal. 1997, 351:10, relative to transfer of appropriations by the executive director of the judicial council, is repealed.

27 Capital Improvements; Liquor Commission. Amend 2007; 264:1, XI, B to read as follows:

B. Concord Warehouse Racking *and Forklift* 270,000

28 Ratification of the Lyme Town and Budget Committee Meetings. All acts, notices, and proceedings at the Lyme annual town meeting, held on March 11, 2008, and the budget committee meeting held on February 12, 2008, are hereby legalized, ratified, and confirmed.

29 Bath School District Annual Meeting; Ratification. All acts, notices, and proceedings of the Bath school district relating to warrant article 7 at the March 13, 2008 annual meeting, to raise and appropriate the sum of \$42,000 to replace the boiler at Bath Village School, are hereby legalized, ratified, and confirmed.

30 Town of Grafton; Ratification of Annual Meeting. All acts, notices, and proceedings of the Grafton annual meeting held March 11, 2008, related to the town budget, are hereby legalized, ratified, and confirmed.

31 Repeal. RSA 178:28, V-a, and V-b, relative to discounts for certain liquor licensees, are repealed.

32 Liquor Licenses; Discounts and Credit on Sales to Licensees; Version Effective July 1, 2009. RSA 178:28, V is repealed and reenacted to read as follows:

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. Such discounts shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

33 Effective Date.

I. Sections 12 and 21-23 of this act shall take effect July 1, 2008.

II. Sections 19 and 20 of this act shall take effect July 1, 2008 at 12:01 a.m.

III. Sections 15 and 16 of this act shall take effect as provided in section 17.

IV. Sections 31 and 32 of this act shall take effect July 1, 2009.

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

The signatures below attest to the authenticity of this Report on SB 321, an act relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. D'Allesandro, Dist. 20

Rep. M. Smith, Straf. 7

Sen. Janeway, Dist. 7

Rep. D. Eaton, Ches. 2

Sen. Burling, Dist. 5

Rep. Foster, Hills. 4

Rep. Kurk, Hills. 7

2008-2132-CofC

AMENDED ANALYSIS

This bill:

I. Allows certain site work to be eligible for grants available for the construction or renovation of regional vocational centers.

II. Transfers certain positions from the pari-mutuel racing laboratory to the department of safety urine testing laboratory.

III. Directs the judicial branch and legislative branch to reduce budget appropriations by a specified amount in each year of the biennium ending June 30, 2009.

IV. Establishes a commission to study funding of school building aid.

V. Establishes discounts for certain liquor licensees for the 2009 fiscal year.

VI. Provides authority to lapse funds from the default bench warrant fund to the general fund for the fiscal year ending June 30, 2008.

VII. Permits certain state contributions to the retirement system to lapse on June 30, 2008 rather than June 30, 2009.

VIII. Increases the tobacco tax, contingent on the amount of tobacco tax revenue received.

IX. Permits a prior appropriation to the department of health and human services for nursing services to lapse on June 30, 2009.

X. Provides that the total county reimbursement obligation shall be reduced by the amount of the credit that the counties receive.

XI. Limits county obligations for certain nursing home and juvenile service costs to the maximum obligation the county would have incurred under the methodology used prior to July 1, 2008.

XII. Permits the judicial council to request that the fiscal committee authorize additional funding when expenditures exceed amounts appropriated in the operating budget.

XIII. Repeals a provision authorizing transfer of appropriations by the executive director of the judicial council.

XIV. Permits the liquor commission to use part of an appropriation in the capital budget for a forklift.

XV. Removes references to county liability for certain juvenile service costs.

XVI. Legalizes the proceedings of the Lyme town meeting held on March 11, 2008 and the budget committee meeting held on February 12, 2008.

XVII. Legalizes the proceedings of the Bath school district annual meeting held on March 13, 2008 relating to warrant article 7 to raise and appropriate the sum of \$42,000 to replace the boiler at Bath Village School.

XVIII. Legalizes the proceedings of the Grafton annual meeting held on March 13, 2008, related to the town budget.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Kenney.

Seconded by Senator Bragdon.

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

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

Yeas: 12 - Nays: 11

Adopted.

**May 28, 2008
2008-2035-CofC
08/09**

Committee of Conference Report on SB 384, an act relative to the repair of septic systems prior to the sale of waterfront property.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Developed Waterfront Property; Definition. RSA 485-A:2, I is repealed and reenacted to read as follows:

I. "Developed waterfront property" means any parcel of land upon which stands a structure suitable for either seasonal or year-round human occupancy, where such parcel of land is contiguous to or within 200 feet of the reference line, as defined in RSA 483-B:4, XVII, of:

- (a) A fresh water body, as defined in RSA 483-B:4, XVI(a);
- (b) Coastal waters, as defined in RSA 483-B:4, XVI(b); or
- (c) A river, as defined in RSA 483-B:4, XVI(c).

The signatures below attest to the authenticity of this Report on SB 384, an act relative to the repair of septic systems prior to the sale of waterfront property.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Sgambati, Dist. 4

Rep. Gottling, Sull. 3

Sen. Fuller Clark, Dist. 24

Rep. Kepner, Rock. 15

Sen. Odell, Dist. 8

Rep. Ahlgren, Carr. 4

Rep. Hubbard, Straf. 1

Adopted.

Senators Barnes and Letourneau are in opposition to the adoption of the Committee of Conference Report on SB 384.

**May 28, 2008
2008-2015-CofC
06/09**

Committee of Conference Report on SB 386, an act relative to service territories served by several telephone utilities.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 386, an act relative to service territories served by several telephone utilities.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Levesque, Hills 5

Sen. Hassan, Dist. 23

Rep. Kaelin, Hills. 4

Sen. Odell, Dist. 8

Rep. Harvey, Hills. 21

Rep. J. Garrity, Rock. 6

Adopted.

**May 27, 2008
2008-1990-CofC
10/09**

Committee of Conference Report on SB 413, an act authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Disposal of State Lands; Department of Resources and Economic Development. Amend RSA 4:40, III-a to read as follows:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee, ***except that the committee may waive or approve a fee less than \$1,100 in appropriate circumstances, provided the authority of the committee to waive or lower the fee shall be applied in a fair and consistent manner.*** The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property, ***except that for disposals of real property by the department of resources and economic development the administrative fee shall be deposited into the separate account within the forest improvement fund, as provided in RSA 227-G:5, II(b), for the purchase and improvement of areas suitable for state reservations.***

The signatures below attest to the authenticity of this Report on SB 413, an act authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Cilley, Dist. 6

Rep. D. Russell, Belk. 6

Sen. Kelly, Dist. 10

Rep. Parkhurst, Ches. 4

Sen. Kenney, Dist. 3

Rep. Mack, Hills. 1

Rep. Hatch, Coos 3

Adopted.

May 28, 2008
2008-2014-CofC
03/04

Committee of Conference Report on SB 429, an act relative to driver education courses in other states.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Driver Education; Reciprocity. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can ~~[produce]~~ **provide** satisfactory evidence of completion of ~~[an equivalent]~~ **a** course of driver education, approved by the ~~[issuing]~~ state ***in which the course is offered***, provided that the ~~[commissioners]~~ **commissioner** of safety ~~[and education acting jointly]~~ shall determine that such course is ***essentially*** equivalent to ~~[New Hampshire's driver education course and provided that such course meets or exceeds]~~ the state's minimum standards. ***The commissioner shall take all reasonable steps to facilitate appropriate interstate driver education. The commissioner shall report at least annually to the general court on the progress of reciprocal driver education.***

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

The signatures below attest to the authenticity of this Report on SB 429, an act relative to driver education courses in other states.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Kelly, Dist. 10

Rep. Cunningham, Carr. 3

Sen. Burling, Dist. 5

Rep. Ryan, Merr. 2

Sen. Clegg, Dist. 14

Rep. Bergin, Hills. 6

Rep. Jennifer Brown, Straf. 5

2008-2014-CofC

AMENDED ANALYSIS

This bill modifies the circumstances under which a person completing a driver education course in another state may be issued a driver's license.

Adopted.

May 23, 2008
2008-1969-CofC
08/09

Committee of Conference Report on SB 433, an act relative to confidential communications between a physician and a patient.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Confidential Communications; Test Results and Samples. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and,

except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to investigations and hearings conducted by the board of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A. This section shall also not apply to the release of blood *or urine* samples and the results of laboratory tests for *drugs or* blood alcohol content taken from a person ~~[who is under]~~ *for purposes of diagnosis and treatment in connection with the incident giving rise to the* investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

The signatures below attest to the authenticity of this Report on SB 433, an act relative to confidential communications between a physician and a patient.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Tholl, Coos 2

Sen. Reynolds, Dist. 2

Rep. Stevens, Carr. 4

Sen. Clegg, Dist. 14

Rep. Welch, Rock. 8

Rep. W. Knowles, Straf. 6

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference(s) to which was referred the following entitled Bill(s):

SB 363, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.

SB 370, relative to emergency powers of the supreme court.

SB 507-FN, relative to extended terms of imprisonment for criminal street gang members.

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty.

May 28, 2008
2008-2025-CofC
10/03

Committee of Conference Report on SB 363, an act requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 363, an act requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Letourneau, Dist. 19

Rep. Bergin, Hills. 6

Sen. Burling, Dist. 5

Rep. Ryan, Merr. 2

Sen. Kelly, Dist. 10

Rep. Packard, Rock. 3

Rep. Cunningham, Carr. 3

Adopted.

May 27, 2008
2008-1968-CofC
09/03

Committee of Conference Report on SB 370, an act relative to emergency powers of the supreme court.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 490:6-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The chief justice of the supreme court or, if the chief justice is unavailable, the most senior associate justice available, shall have the power, upon the request of the governor, attorney general, or the chief justice of the superior court or the administrative judge of the district or probate court or the judicial branch family division, or on his or her own motion, in the event of a declared state of emergency, as defined in RSA 4:45, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief for a period of up to 21 calendar days from time deadlines imposed by otherwise applicable statutes and rules of procedure regarding speedy trial procedures in criminal and juvenile court proceedings, all civil and equitable court process and court proceedings, and all appellate court time limitations. Such order or orders may be renewed by a majority of the justices of the supreme court as justice may require; provided, however, that any such renewal with respect to applicable statutes shall be effective only upon the concurrence of the governor.

The signatures below attest to the authenticity of this Report on SB 370, an act relative to emergency powers of the supreme court.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. L. Weber, Ches. 2

Sen. Gottesman, Dist. 12

Rep. Shurtleff, Merr. 10

Sen. Clegg, Dist. 14

Rep. Mooney, Hills. 19

Rep. Lasky, Hills. 2

Adopted.

**May 29, 2008
2008-2079-CofC
04/09**

Committee of Conference Report on SB 507-FN, an act relative to extended terms of imprisonment for criminal street gang members.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 651:6, I(q) as inserted by section 1 of the bill by replacing it with the following:

(q) Has knowingly committed any of the following offenses as a criminal street gang member, or for the benefit of, at the direction of, or in association with any criminal street gang, with the purpose to promote, further, or assist in any such criminal conduct by criminal street gang members:

(1) Violent crime as defined in RSA 651:5, XIII.

(2) A crime involving the distribution, sale, or manufacture of a controlled drug under RSA 318-B:2.

(3) Class A felony theft where the property stolen was a firearm.

(4) Unlawful sale of a pistol or a revolver.

(5) Witness tampering.

(6) Criminal street gang solicitation as defined in RSA 644:20.

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

3 New Section; Breach of Peace and Other Offenses; Criminal Street Gangs. Amend RSA 644 by inserting after section 19 the following new section:

644:20 Criminal Street Gang; Solicitation. Any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another individual to become a member of,

remain in, or actively participate in what the person knows to be a criminal street gang, as defined in RSA 651:6, I-a (c), shall be guilty of a class A felony.

4 Commission Established. There is established a commission to study the scope of criminal street gang violence in New Hampshire and methods of addressing such violence.

5 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be from the criminal justice and public safety committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

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

(c) The governor, or designee.

(d) The attorney general, or designee.

(e) The commissioner of the department of corrections, or designee.

(f) An individual responsible for enforcing the liquor laws in New Hampshire, appointed by the governor.

(g) The director of the division for juvenile justice services, department of health and human services, or designee.

(h) A representative from child and family services of New Hampshire, appointed by the governor.

(i) The director of the division of state police, department of safety, or designee.

(j) The chief of police for the city of Manchester, or designee.

(k) The chief of police for the city of Nashua, or designee.

(l) The chief of police for the city of Rochester, or designee.

(m) The chief of police for a town with a population of less than 10,000, appointed by the governor.

(n) The president of the New Hampshire Association of Chiefs of Police, or designee.

(o) The president of the New Hampshire Sheriff's Association, or designee.

(p) The head of the Rockingham County Gang Task Force, or designee.

(q) A representative of the New Hampshire Civil Liberties Union, appointed by the governor.

(r) A representative of the New Hampshire Association of Criminal Defense Lawyers, appointed by the governor.

(s) The United States Attorney for the District of New Hampshire, or designee.

(t) The United States Marshal for the District of New Hampshire, or designee.

(u) The head of the United States Drug Enforcement Agency task force in New Hampshire, or designee.

(v) The head of the United States Department of Homeland Security in New Hampshire, or designee.

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:

I. Study the scope of criminal street gang violence in New Hampshire.

II. Study the methods other states have used to address criminal street gang violence.

III. Study the feasibility of establishing a unified statewide task force to respond to criminal street gang violence in New Hampshire.

IV. Solicit the advice and expertise of any individual or organization with information relevant to the issue of criminal street gang violence.

V. Study any other issues related to addressing criminal street gang violence that the commission deems necessary.

7 Chairperson; Quorum. The members of the study 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. Seven members of the commission shall constitute a quorum.

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

9 Effective Date.

I. Sections 1-3 of this act shall take effect March 31, 2009.

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

The signatures below attest to the authenticity of this Report on SB 507-FN, an act relative to extended terms of imprisonment for criminal street gang members.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Welch, Rock. 8

Sen. Gatsas, Dist. 16

Rep. W. Knowles, Straf. 6

Sen. Clegg, Dist. 14

Rep. Tholl, Coos 2

Rep. L. Hammond, Graf. 11

2008-2079-CofC

AMENDED ANALYSIS

This bill provides for extended terms of imprisonment for offenses committed by criminal street gang members and establishes the crime of criminal street gang solicitation. The bill also establishes a commission to study the scope of criminal street gang violence in New Hampshire and methods of addressing such violence.

Adopted.

May 28, 2008
2008-2000-CofC
01/04

Committee of Conference Report on SB 526, an act relative to the death benefit for police officers and firefighters killed in the line of duty.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 526, an act relative to the death benefit for police officers and firefighters killed in the line of duty.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Kelly, Dist. 10

Rep. D. Sullivan, Hills. 8

Sen. D'Allesandro, Dist. 20

Rep. Pilotte, Hills. 16

Sen. Downing, Dist. 22

Rep. C. Robertson, Rock. 13

Rep. Manny, Hills. 7

Adopted.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 32-FN, increasing the maximum amount of debt or damages for small claims actions.

SB 482, relative to ethical standards for volunteer service in the executive branch.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill(s):

SB 492, relative to persons designated to fill vacancies on the ballot.

SB 495-FN, prohibiting Internet solicitation and exploitation of children.

SB 516-FN-L, relative to aid for county bridges.

SB 522-FN, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

SB 530-FN-A-L, relative to kindergarten aid.

May 27, 2008
2008-1984-CofC
03/09

Committee of Conference Report on SB 492, an act relative to persons designated to fill vacancies on the ballot.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 492, an act relative to persons designated to fill vacancies on the ballot.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Cilley, Dist. 6

Rep. Clemons, Hills. 24

Sen. DeVries, Dist. 18

Rep. Pierce, Graf. 9

Sen. Gallus, Dist. 1

Rep. Jasper, Hills. 27

Rep. Boutin, Merr. 9

Adopted.

**May 30, 2008
2008-2099-CofC
04/09**

Committee of Conference Report on SB 495-FN, an act prohibiting Internet solicitation and exploitation of children.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by renumbering all sections after section 2 to read as 3 through 12, respectively.

Amend RSA 649-A:7, II-III as inserted by section 3 of the bill by replacing them with the following:

II. The state shall provide ample opportunity for the defendant, his or her attorney, or any individual the defendant may seek to qualify to furnish expert testimony at trial, or any expert retained in anticipation of criminal litigation or for preparation for trial, to inspect, view, and examine the property or material at a state facility.

III. Upon a defense motion or by agreement of the parties establishing that it is necessary to copy, photograph, duplicate, or otherwise reproduce such material or property in order to prepare a defense, the court may authorize such action, provided that the court's order include a protective

order prohibiting disclosure of the material or property to any one other than the defendant, his or her attorney, or any individual the defendant may seek to qualify to furnish expert testimony at trial, or any expert retained in anticipation of criminal litigation or for preparation for trial. The court protective order shall require that all such material or property provided to the defense be kept secure against theft and inadvertent disclosure to any other person and be maintained in a manner which deters copying or dissemination. Any person either handling or viewing such material or property shall sign a non-disclosure agreement agreeing to refrain from copying or publishing any visual representation of a child engaging in or being engaged in sexually explicit conduct. Any person who views any of the images shall certify in writing that he or she has not knowingly kept any material or property which would qualify as an image of child sexual abuse under state or federal law, and that all materials, property, and signed non-disclosure agreements shall be returned to the state at the end of the case.

Amend RSA 645:1, II as inserted by section 5 of the bill by replacing it with the following:

II. A person is guilty of a class B felony if:

(a) Such person purposely performs any act of sexual penetration or sexual contact on himself or herself or another in the presence of a child who is less than 16 years of age.

(b) Such person purposely transmits to a child who is less than 16 years of age, or an individual whom the actor reasonably believes is a child who is less than 16 years of age, an image of himself or herself fornicating, exposing his or her genitals, or performing any other act of gross lewdness.

(c) Having previously been convicted of an offense under paragraph I, or of an offense that includes the same conduct under any other jurisdiction, the person subsequently commits an offense under paragraph I.

The signatures below attest to the authenticity of this Report on SB 495-FN, an act prohibiting Internet solicitation and exploitation of children.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Foster, Dist. 13

Rep. Stevens, Carr. 4

Sen. Gottesman, Dist. 12

Rep. W. Knowles, Straf. 6

Sen. Letourneau, Dist. 19

Rep. Tholl, Coos 2

Rep. Welch, Rock. 8

Adopted.

May 28, 2008
2008-2022-CofC
03/01

Committee of Conference Report on SB 516-FN-LOCAL, an act relative to aid for county bridges.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 516-FN-LOCAL, an act relative to aid for county bridges.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Letourneau, Dist. 19

Rep. Cloutier, Sull. 4

Sen. DeVries, Dist. 18

Rep. Carole Brown, Merr. 8

Sen. Kelly, Dist. 10

Rep. Sprague, Straf. 4

Rep. F. Tilton, Belk. 4

Adopted.

May 27, 2008
2008-1977-CofC
08/04

Committee of Conference Report on SB 522, an act relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 522, an act relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Graham, Hills. 18

Sen. Janeway, Dist. 7

Rep. Cloutier, Sull. 4

Sen. Barnes, Dist. 17

Rep. Mann, Rock. 1

Rep. Davis, Merr. 7

Adopted.

**May 30, 2008
2008-2094-CofC
04/03**

Committee of Conference Report on SB 530-FN-A-LOCAL, an act relative to kindergarten aid.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 198:15-r, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) In addition to the grants available under paragraph I, the commissioner of the department of education shall make classroom transition grants available to eligible school districts that currently do not operate a public kindergarten program, and that begin operation of such a program as of the beginning of the 2008-2009 or 2009-2010 school years, to cover 100 percent of the actual cost of leasing and set up of temporary classrooms, including but not limited to portable classrooms or privately-owned space, for a single lease period with a maximum term of 3 years. The temporary classrooms may be used for grades other than kindergarten to the extent that those grades are displaced in order to make room for kindergarten classes. Classroom transition grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program. Classroom transition grants shall be limited to an amount that, in the discretion of the commissioner of the department of education, is not excessive or unreasonable.

(b) A school district that currently does not operate a public kindergarten program may, for a period not to exceed 3 years, contract with a private entity to provide a kindergarten program in accordance with RSA 198:48-a, provided that the kindergarten program meets or exceeds the minimum standards for school approval as adopted by the department of education.

(c) A school district may elect to proceed under either subparagraph (a) or (b), or a combination of both, provided that the maximum time period that a school district may proceed under either subparagraph (a) or (b), or the combination of both, shall not exceed 3 years.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 6-7, respectively:

5 Excess Education Property Tax Payment. Amend RSA 198:46, I to read as follows:

I. A municipality in which education property tax revenue collected exceeds the amount necessary to fund the cost of an adequate education in a fiscal year, as determined in RSA 198:40-a, shall collect and remit such excess to the department of revenue administration on or before March 15 of the tax year in which the excess occurs. *For fiscal years 2010 and 2011, the version of RSA 198:41, II effective for the fiscal year ending June 30, 2009 shall be used to*

determine excess.

Amend the bill by replacing section 7 with the following:

7 Effective Date.

- I. Paragraph I of section 6 of this act shall take effect June 30, 2008.
- II. Paragraph II of section 6 of this act shall take effect July 1, 2013.
- III. Section 5 of this act shall take effect July 1, 2009 at 12:01 a.m.
- IV. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 530-FN-A-LOCAL, an act relative to kindergarten aid.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Leishman, Hills. 6

Sen. Larsen, Dist. 15

Rep. J. Day, Rock. 13

Sen. Gallus, Dist. 1

Rep. K. Shaw, Hills. 26

Rep. Casey, Rock. 11

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Barnes.

Seconded by Senator Letourneau.

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

The following Senators voted No: Kenney, Gatsas, Barnes, D'Allesandro, Estabrook, Downing.

Yeas: 16 - Nays: 6

Adopted.

Senator Bragdon, Rule 42 on SB 530-FN-A-L.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conferences to which was referred the following entitled Bill(s):

SB 327-FN, relative to compensation for state employees injured in the line of duty.

SB 341, prohibiting digital advertising devices on certain highways.

SB 484, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

SB 531, relative to the capital appropriations for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

SB 533, establishing a committee to study age-based driver's license renewal testing.

SB 536-FN, reclassifying certain positions in the insurance department.

May 27, 2008
2008-1979-CofC
01/09

Committee of Conference Report on SB 327-FN, an act relative to compensation for state employees in the line of duty.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-I:43-a as inserted by section 1 of the bill by replacing it with the following:

21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by any state employee who is injured in the line of duty by a hostile [~~or overt~~] act, or **by** an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of

his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. ***In this event, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section.*** The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. ~~[The compensation provided for in this section shall be in addition to any other compensation or remedy available to the employee]~~ ***During the time in which the injured employee remains on active payroll at full base salary pursuant to this section, his or her state compensation shall not be offset by state workers' compensation payments and he or she shall not receive state workers' compensation payments to supplement his or her full base salary. Nothing in this section shall prohibit medical payments or final settlements.***

The signatures below attest to the authenticity of this Report on SB 327-FN, an act relative to compensation for state employees in the line of duty.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Benn, Graf. 9

Sen. Burling, Dist. 5

Rep. Beauchesne, Merr. 8

Sen. Downing, Dist. 22

Rep. D. Peterson, Rock. 10

Rep. R. Day, Hills. 7

Adopted.

**May 29, 2008
2008-2068-CofC
06/09**

Committee of Conference Report on SB 341, an act prohibiting digital advertising devices on certain highways.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 236:74, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) New or existing advertising devices which contain, include, or are illuminated by any flashing, scrolling, intermittent, or moving light or lights, or video or animation, are prohibited on divided, limited access highways, except those devices giving emergency alerts or public service information such as time, date, temperature, weather, traffic, road conditions, or similar information. Brightness shall be adjusted in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.

The signatures below attest to the authenticity of this Report on SB 341, an act prohibiting digital advertising devices on certain highways.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 24

Rep. Campbell, Hills. 24

Sen. Kelly, Dist. 10

Rep. Sprague, Straf. 2

Sen. Clegg, Dist. 14

Rep. J. Webber, Rock. 14

Rep. Rausch, Rock. 5

The question is on the adoption of Committee of Conference Report.

A roll call was requested by Senator D'Allesandro.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Cilley, Janeway, Kelly, Foster, Larsen, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Reynolds, Kenney, Sgambati, Odell, Roberge, Bragdon, Gottesman, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing.

Yeas: 8 - Nays: 15

Motion failed.

**May 28, 2008
2008-2001-CofC
04/01**

Committee of Conference Report on SB 484, an act establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study the sentencing, incarceration, and recidivism of criminal offenders in order to enhance public safety and improve the criminal justice system's cost effectiveness.

Amend paragraph I of section 2 of the bill by inserting after subparagraph (n) the following new subparagraphs:

(o) A county administrator, appointed by the governor.

(p) A representative of the New Hampshire superior court, appointed by the administrative judge of the superior court.

- (q) A representative of the judicial council, appointed by the council.
- (r) A representative of the New Hampshire Bar Association, appointed by that organization.
- (s) A representative from a New Hampshire business, appointed by the governor.
- (t) A representative from the Tuck School of Business at Dartmouth College, appointed by the Dean of the Tuck School.
- (u) A Plymouth state university faculty member with expertise in the field of criminal justice, appointed by the president of the university.
- (v) An individual who shall be the governor's designee, appointed by the governor.
- (w) A representative of the New Hampshire Charitable Foundation, appointed by the Foundation.
- (x) A representative of the interbranch criminal and juvenile justice council, appointed by the council.

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

3 Duties. The commission shall study the sentencing and related incarceration and monitoring of criminal offenders in order to enhance public safety, honor the rights of victims, reduce recidivism rates, and improve the criminal justice system's cost effectiveness. The duties shall include, but not be limited to:

- I. Consideration of the current methods of incarcerating or monitoring nonviolent offenders.
- II. The role of substance abuse and mental illness in the commission of crimes and in current rates of recidivism.
- III. Current best practices for reducing recidivism.
- IV. Evaluation of the current overall costs of sentences of incarceration in the New Hampshire corrections system.
- V. The identification of cost savings that may be achieved through improved treatment programs, enhanced community transition practices, and expanded sentencing options within the corrections system.

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. Ten members of the commission shall constitute a quorum.

The signatures below attest to the authenticity of this Report on SB 484, an act establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Hassan, Dist. 23

Rep. Pantelakos, Rock. 16

Sen. Burling, Dist. 5

Rep. Burrridge, Ches. 3

Sen. Roberge, Dist. 9

Rep. L. Hammond, Graf. 11

Rep. Charron, Rock. 7

2008-2001-CofC

AMENDED ANALYSIS

This bill establishes a commission to study the sentencing, incarceration, and recidivism of criminal offenders in order to enhance public safety and improve the criminal justice system's cost effectiveness.

Adopted.

May 28, 2008
2008-2030-CofC
03/09

Committee of Conference Report on SB 490-FN, an act relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 490-FN, an act relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. DeVries, Dist. 18

Rep. Ryan, Merr. 2

Sen. Kelly, Dist. 10

Rep. Packard, Rock. 3

Sen. Letourneau, Dist. 19

Rep. Jennifer Brown, Straf. 5

Rep. Davis, Merr. 7

Adopted.

May 30, 2008
2008-2091-CofC
05/04

Committee of Conference Report on SB 531, an act relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The sum of \$1,342,000 is hereby appropriated to the department of administrative services, bureau of court facilities, for the purpose of the design of the Hillsborough County superior court - north.

The signatures below attest to the authenticity of this Report on SB 531, an act relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. D'Allesandro, Dist. 20

Rep. Bouchard, Merr. 11

Sen. Hassan, Dist. 23

Rep. Campbell, Hills. 24

Sen. Clegg, Dist. 14

Rep. Rowe, Hills. 6

Rep. Hackel, Hills. 21

2008-2091-CofC

AMENDED ANALYSIS

The bill makes capital appropriations for the renovation, construction, and design of the Manchester district court - family division and the design of the Hillsborough County north superior court. The bill also lapses certain unencumbered balances from prior capital appropriations.

The bill also extends the venue for civil and criminal cases where trials are scheduled at Hillsborough north superior court to the entire county of Hillsborough, when the Hillsborough north superior court is closed for renovations.

Adopted.

May 28, 2008
2008-2024-CofC
03/01

Committee of Conference Report on SB 533, an act establishing a committee to study age-based driver's license renewal testing.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 533, an act establishing a committee to study age-based driver's license renewal testing.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Letourneau, Dist. 19

Rep. Ryan, Merr. 2

Sen. Reynolds, Dist. 2

Rep. Packard, Rock. 3

Sen. Kelly, Dist. 10

Rep. Nedeau, Belk. 3

Rep. Estes, Graf. 7

Adopted.

**May 23, 2008
2008-1971-CofC
04/01**

Committee of Conference Report on SB 536-FN, an act reclassifying certain positions in the insurance department.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 536-FN, an act reclassifying certain positions in the insurance department.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Burling, Dist. 5

Rep. Pilotte, Hills. 16

Sen. Kelly, Dist. 10

Rep. Reagan, Rock. 1

Sen. Downing, Dist. 22

Rep. Schmidt, Straf. 4

Rep. Millham, Belk. 5

Adopted.

RESOLUTION

Senator Foster moved that the Senate now 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; and that when we adjourn, we adjourn to the Call of the Chair.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Foster moved that the Senate adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.